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P R O C E E D I N G S

THE CLERK: You may be seated. Court is now in session.

THE COURT: I need to see counsel at sidebar about an issue with a juror.

*** Beginning of sidebar ***

THE COURT: Good morning, counsel. Juror No. 69, Mr. Kennie, in Seat No. 14, has informed the deputy clerk that he cannot possibly serve. He lives in Harwich. It's a terrible commute. When asked why he didn't bring this up to us in the prior three days under oath that he's been here, he said nobody ever asked him specifically. It's pretty clear he doesn't want to sit on this jury. So we have two alternatives: We can excuse him and go with 15 jurors or we can cancel all of today's scheduled events, call the six people back that we have in reserve and go through the process of picking a fourth alternate.

MR. KELLY: Can you give us a moment to confer?

THE COURT: Yes.

MR. KELLY: Thank you, your Honor.

THE COURT: Wait. Do we have everyone represented? Okay. Go ahead.

MR. KELLY: With respect to the defense's view, we'd ask the Court to inquire if he insists and if, in the Court's view, it is valid insistence and it's in the Court's view he

1 can't serve, we would like to proceed today with 15, but we
2 would ask there be some inquiry to make sure it's not just the
3 morning with the rain and he's annoyed about traveling from the
4 Cape. It's only a 3-week trial now. It's obviously -- he
5 agreed under oath that he could serve.

6 THE COURT: We've also offered to put him up at a
7 hotel. He's refused that. He said he'd have to eat all his
8 meals out. He answered all of the questions on the
9 questionnaire, as you may remember. Now, he even refused to
09:28 10 tell us what his parents did for a living. The guy was clearly
11 evasive in his response to questions.

12 MR. KELLY: We're prepared to have him.

13 MR. KENDALL: We'd like to keep him as a juror.

14 THE COURT: Okay. Do you want to be present when I
15 question him?

16 MR. KENDALL: Whatever the Court feels is appropriate.

17 THE COURT: I don't want to overwhelm him. So what I
18 would do is I would invite one each to my lobby where we'll
19 have a court reporter and I will inquire of him as to whether
09:28 20 he is adamant. Is that what you want me do?

21 MR. KENDALL: That would be fine, your Honor.

22 MR. FRANK: Your Honor, we think at this point he
23 needs to be stricken for cause. He clearly doesn't want to
24 serve. Your Honor has been clear that you basically agree with
25 that. He's going to be disruptive. He's going to not show up.

1 This is not somebody who is qualified to serve as a juror based
2 on his conduct. It's the first day of trial.

3 MR. KELLY: It may be first day butterflies, and if
4 the Court talks to him, he may decide otherwise. He said he
5 could serve under oath. He filled out a questionnaire.

6 THE COURT: I'm going to invite one counsel, one
7 prosecutor, Mr. Kendall and Mr. Kelly to my lobby with my court
8 reporter. We will inquire of him briefly.

9 Are you asking permission to question him yourselves
09:29 10 or do you want me to do the questioning?

11 MR. KELLY: I'll defer to the Court.

12 MR. KENDALL: I'll defer to you, your Honor.

13 THE COURT: All right. Then we're in recess for
14 five minutes. We'll convene in my lobby.

15 MR. KENDALL: Thank you, your Honor.

16 *** End of sidebar ***

17 (Beginning of in camera conference in chambers.)

18 THE COURT: Have a seat, Mr. Kennie, right there.
19 Good morning, sir.

09:43 20 JUROR NO. 69: Good morning.

21 THE COURT: I understand you have expressed concern
22 about serving on this jury.

23 JUROR NO. 69: Surviving it, yes, the service.

24 THE COURT: What is the problem?

25 JUROR NO. 69: It takes me about three hours to get me

1 here in the morning. It will probably take me at least three
2 and a half to get home. I also drive an electric car, so I
3 have to stop for half an hour to get a charge on the way home
4 in Plymouth. Originally, I thought you said the trial was
5 going to be five to seven days.

6 THE COURT: When did I say that?

7 JUROR NO. 69: When we first met you. I figured I
8 could survive that. With a 30-day, I could definitely not
9 survive it.

09:43 10 THE COURT: You understand that the Court could, in an
11 extreme need, and we have in the past, put you up here at a
12 hotel during the course of the trial?

13 JUROR NO. 69: Uh-hum. Then I would have to go out
14 for every meal too.

15 THE COURT: Are you asking to be excused from this
16 jury?

17 JUROR NO. 69: I would like to be excused.

18 THE COURT: Why didn't you bring this to our attention
19 during the three days of empanelment?

09:43 20 JUROR NO. 69: Nobody asked me if I had any hardship,
21 and I did not think it was going to be a 30-day.

22 THE COURT: Well, I said in this questionnaire it was
23 going to be four weeks and I asked specifically whether you had
24 any personal or business affairs that would make it difficult
25 for you to serve. You said no. Do you have any personal or

1 family responsibilities, et cetera? You said no. Then the
2 last question, is there any other matter or information you
3 feel that the judge and attorneys should know about not covered
4 in the questions? You said no.

5 JUROR NO. 69: There again, I was under the impression
6 it was going to be a much shorter period of time.

7 THE COURT: You don't remember me saying it was going
8 to be four weeks in this?

9 JUROR NO. 69: I thought you said four to five days.

09:44 10 THE COURT: Anything else you'd like to tell us as to
11 why you should be excused?

12 JUROR NO. 69: I also have some other issues, but I'm
13 in the middle of a really contentious divorce. There are some
14 items scheduled for later in the month, possible settlement.

15 THE COURT: You mean in the divorce matter?

16 JUROR NO. 69: Yes.

17 THE COURT: All right. Thank you, Mr. Kennie. I'm
18 going to ask you to withdraw for a minute. I'm going to
19 consult with counsel. I'll call you back. Thank you.

09:44 20 *** Juror No. 69 exits ***

21 THE COURT: Counsel? Mr. Kendall?

22 MR. KENDALL: It appears that the divorce is probably
23 more of the issue than the commute. With an electric car where
24 I park across the street, they have the electric thing right
25 there. You can charge them up every morning. I don't think

1 that's the issue. We like him as a juror. We'd like to keep
2 him. I don't know how much -- Abraham Lincoln said, "You can
3 take a horse to water." I don't know how much we can make him
4 drink, but we'd like to keep him if we can and not waste a day.

5 MR. KELLY: First of all, I didn't know Lincoln said
6 that, but thank you.

7 Secondly, we are on the same page. We'd prefer to
8 have him as a juror. He gave answers to the Court under oath.
9 The reality is the reality. If the Court concludes it's not
09:44 10 appropriate, the scheduling hardship is too much, we'll go with
11 15 and start today.

12 THE COURT: Mr. Frank?

13 MR. FRANK: We think the hardship issues are genuine.
14 Six hours round trip is really inappropriate and uncalled for.
15 Staying in a hotel is a hardship in and of itself for the
16 duration of the trial. We also now think there are genuine
17 credibility issues now with this juror. What he just said
18 about what the Court said is false. The Court never suggested
19 it was going to be a four or five-day trial. Given all of
09:44 20 those issues, given his clear desire not to be here, we think
21 he should be excused for cause, and we're prepared to go
22 forward today.

23 MR. KELLY: The other point is it doesn't take
24 three hours from Harwich. It takes less than two. I don't
25 think the travel consideration is there.

1 THE COURT: I want to ask specifically, the government
2 is prepared to go ahead with 15 rather than cancel today's
3 procedures?

4 MR. FRANK: We're a little uneasy about it, but we're
5 prepared to go ahead.

6 THE COURT: I'm going to excuse him. We'll go forward
7 with 15 jurors and hope we can be successful.

8 I might add that in my last major big trial, which was
9 20 something years ago, a mafia trial, the same thing happened
09:44 10 on the first day. We had 18 jurors before excluding that one.
11 We went with 17. Maybe I'm going to jinx something, but we
12 never had anybody miss a day during a four-month trial.
13 Seventeen jurors showed up every single day. I'm hopeful
14 things haven't changed that much in 20 plus years and we will
15 be fine going forward with 15 jurors.

16 I'm going to call him back in, while you remain here,
17 and excuse him. I don't know whether I'm going to thank him
18 for his service, but I'm going to excuse him because of
19 hardship reasons and leave it at that.

09:44 20 *** Juror No. 69 entered ***

21 THE COURT: Good morning again, Mr. Kennie. I have
22 decided after consultation with counsel to excuse you for
23 hardship. Your service is excused for this jury.

24 JUROR NO. 69: Thank you.

25 THE COURT: You're excused.

1 *** Juror No. 69 excused ***

2 THE COURT: All right, counsel. We will go forward
3 with my opening remarks and swearing in of the jury in a couple
4 of minutes. Thank you.

5 MR. KENDALL: Your Honor, couple quick things. We had
6 just wanted to clarify your preferred way for us to preserve
7 our objections.

8 THE COURT: You have a written motion that I've read.
9 The government hasn't responded to it.

09:44 10 Does the government have a position?

11 MR. FRANK: We think it's an appropriate way for them
12 to proceed preserving their objection.

13 MR. KENDALL: When the first Isackson gets up, one of
14 us will say objection, your Honor, as we discussed earlier. We
15 don't have to pop up each time that it's hearsay, that it's a
16 coconspirator?

17 THE COURT: Yes. The only subdivision of your motion
18 that I believe has not quite been dealt with by my earlier
19 rulings is with respect to Petrozziello and the conspiracy
09:44 20 issue. I think it's the fifth bullet point where the
21 defendants object to the introduction of wiretaps without the
22 testimony of Mr. Singer, as the introduction of such evidence
23 violates the confrontation clause. I'm going to reserve on
24 that one. If that issue comes up today, you don't have a
25 standing objection.

1 MR. KENDALL: Okay.

2 THE COURT: I'd like to know the government's position
3 in response to that one at some future date, or if you want to
4 put it on the record now.

5 MR. FRANK: To the extent it was a court authorized
6 wiretap, we don't see what the confrontation clause issue is.
7 It's not testimony of hearsay, in any event. It's a
8 coconspirator statement. To the extent the objection was the
9 one they previously made about the consensual calls, we believe
09:44 10 the Court has already addressed that. Those statements of
11 Mr. Singer come in for context and not for the truth.

12 THE COURT: That's not likely something that's going
13 to be addressed in the next few days, right?

14 MR. FRANK: Maybe in the next few days, but it will
15 not be today. We also think we would not object to a limiting
16 instruction as to Mr. Singer's statements on those.

17 THE COURT: I will entertain a limiting instruction by
18 the defendants if they want to give me one. I will consider
19 it. Other than that bullet point, the motion for the
09:44 20 continuing objection is allowed.

21 MR. KENDALL: Thank you, your Honor. Is it going to
22 come up with Mr. Brown?

23 MR. FRANK: There are no consensuals that are going to
24 be introduced with Mr. Brown, only wiretaps.

25 MR. KENDALL: One last thing, your Honor. We forgot

1 to put in the motion, I think it is pretty standard, an
2 objection for one will be an objection for both, so we don't
3 have to both pop up each time?

4 THE COURT: Any problem with that?

5 MR. FRANK: No, your Honor.

6 THE COURT: That will be allowed.

7 MR. KENDALL: Thank you.

8 THE COURT: Thank you, counsel. We'll see you in a
9 few minutes.

09:44 10 (End of in camera conference.)

11 (Recess taken 9:44 a.m. to 9:49 a.m.)

12 (Jury enters.)

13 THE CLERK: You may be seated. Court is now in
14 session.

15 THE COURT: Good morning, jurors. Welcome back. I
16 hope you had a pleasant weekend and are ready to go to work.

17 There's two things I need to do before we start.

18 Actually, there's three. Was everybody able to honor my
19 instructions about not talking about or doing any independent
09:50 20 research on this case? Please raise your hand if you have
21 abided by my instructions.

22 Thank you. That's a unanimous showing of hands, and I
23 appreciate it.

24 The second thing I need to do is to have you stand up
25 once more and be sworn in as the jury in this case.

1 (Jury sworn.)

2 THE COURT: Next thing I'm going to do is appoint
3 Mr. Ayles to be the foreman of this jury. I need to take a
4 short recess to find my documents before we continue.

5 As you may have noticed, jurors, we did excuse one of
6 your colleagues for personal reasons so that we are going to go
7 forward with 15 jurors rather than 16. In the process of that
8 hearing, I have misplaced remarks that I need to make to you
9 right now. Actually, I think I've now located them.

09:52 10 Ladies and gentlemen, you've been chosen to be the
11 judges of the facts in this case. Your responsibility in that
12 role is to listen carefully to the evidence so that you can
13 properly judge the facts. You must decide this case only on
14 what you hear in this courtroom and only upon that information
15 which is presented to you as evidence. That evidence will be
16 in the form of witnesses' sworn testimony, documentary
17 evidence, such as e-mails, tape recordings and other things
18 received as exhibits. You are not to judge the facts based
19 upon what you have heard outside of this courtroom. You're not
09:53 20 to base your decision on any bias, prejudice, or sympathy that
21 you may have.

22 With respect to your fellow jurors, feel free to get
23 to know one another, but please do not talk about the specifics
24 of this case with each other before you are asked to deliberate
25 at the end of the case. What you say to each other based only

1 on some of the evidence could put a slant on this case that
2 would be unfair. You must not form any opinion until all of
3 the evidence has been admitted. Keep an open mind until you
4 start your deliberations at the end of the case.

5 Now, during the course of the trial if at any time
6 there's something that could assist you in understanding the
7 case or anything that detracts from your understanding, please
8 raise your hand. We will stop the proceedings and try to take
9 care of the problem.

09:54 10 For instance, if a lawyer steps between you and a
11 witness and you cannot see the witness, raise your hand, and
12 we'll have the lawyer move. If you cannot hear a witness,
13 raise your hand and we'll have that witness repeat his or her
14 answer. If you'd like a glass of water, let us know. We'll
15 have one brought to you. If you need a short break for any
16 reason, we will take a short break.

17 Now, at the end of the trial, you will make your
18 decision based on what you remember about the evidence. You
19 will not have a written transcript of the testimony to read, so
09:54 20 I urge you to pay attention to the testimony as it is presented
21 to you at trial.

22 To that end, however, I am going to permit you to take
23 notes during the course of the trial to aid your recollection.
24 My deputy clerk will provide each of you with a notebook and a
25 pen. The number on the cover of the notebook, if there is one,

1 should be your own jury seat number. If there isn't one, I'd
2 like you to put your own jury seat number on that notebook when
3 you get it. Just to remind you about the numbers of the seats,
4 Mr. Boebeck is in Seat No. 1, down through Miss Roberts, who is
5 in Seat No. 8. Then Mr. Ayles is in Seat No. 9, down through
6 No. 15, which is Mr. Callahan's seat. So put the number of
7 your seat on that notebook that you're going to keep and that
8 should identify it as yours.

9 You, of course, are not obliged to take any notes at
09:56 10 all. If you do not take notes, you should not be influenced by
11 the notes of another juror, but rely only upon your own
12 recollection of the evidence. You must not allow note taking
13 to interfere with the ongoing nature of the trial or to
14 distract you from what happens here in the courtroom. One of
15 your most important jobs, of course, is to observe the
16 witnesses. You can't do that while you're taking notes. Notes
17 taken by any juror, moreover, are not evidence in the case and
18 must not take precedence over your or someone else's
19 independent recollection of the evidence received in the case.
09:56 20 Notes are only an aid to recollection and are not entitled to
21 any greater weight than actual recollection or the impression
22 of each juror as to what is the evidence.

23 You cannot take your notes outside of this courtroom
24 and the jury room. You will leave your notebooks in the jury
25 room at the end of each session and retrieve them on the

1 following morning. So, again, I ask you to put your own seat
2 number on each of those notebooks. They are for your use only.

3 Now, I'm the judge of the law of the case. It's my
4 job to provide you with the law, and you must take the law from
5 me as I define it for you. You must follow the law whether you
6 agree with it or not. Occasionally, I will confer with the
7 lawyers in this case at sidebar where we will be discussing a
8 matter of law in the case. It's not evidence and it's not
9 relevant to your deliberations. We're not trying to keep
09:57 10 secrets from you. We're talking about a matter of law about
11 which you need not be concerned.

12 The lawyers in this case are presenting to you the
13 views of things as their clients see it. Let me caution you
14 that what a lawyer says here is not evidence of anything.
15 Statements, arguments and questions by lawyers are not
16 evidence. The evidence comes from the witnesses, writings,
17 exhibits and any facts that the lawyers agree to or stipulate
18 to or that the Court may instruct you to find.

19 Now, with respect to the witnesses, you have broad
09:58 20 power. You can believe everything a witness tells, you can
21 believe some of what a witness tells you, or you can
22 disbelieve what a witness tells you.

23 Certain things are not evidence and must not be
24 considered by you. Again, statements, arguments and questions
25 by the lawyers are not evidence.

1 Objections to questions are not evidence. You should
2 not be influenced by an objection or the Court's ruling on it.
3 If the objection is sustained, ignore the question. If it is
4 overruled, treat the answer like any other answer.

5 Testimony that the Court has excluded or told you to
6 disregard is not evidence and must not be considered.

7 Anything you have seen or heard outside of this
8 courtroom is not evidence and must be disregarded. You are to
9 decide this case solely on the basis of the evidence presented
09:59 10 to you in this courtroom.

11 Now, this is a criminal case and there are three basic
12 rules for you to keep in mind: First, the defendants are
13 presumed innocent until proven guilty. The defendants start
14 this case as innocent. You cannot draw any conclusions against
15 the defendants because they happen to be here in the Court with
16 us and the government has made some charges against them. The
17 indictment only makes accusations, nothing more. The
18 defendants, therefore, start out with a clean slate.

19 Second, the burden of proof is on the government
09:59 20 throughout the case. The government must prove each and every
21 element of the offenses charged against the defendant then
22 under consideration. The defendants do not have any burden to
23 prove their innocence or to present any evidence or to testify.
24 The defendants have the right to remain silent and the law
25 prohibits you from considering the fact that the defendants may

1 not have testified when arriving at your verdict.

2 Third, the government must prove its case against the
3 defendant then under consideration beyond a reasonable doubt.
4 This is a strict and heavy burden. This standard requires the
5 evidence leaves no reasonable doubt concerning the defendants'
6 guilt.

7 Now, with respect to your conduct as jurors, first,
8 please do not discuss this case with anyone. Until you're
9 retired to the jury room at the end of the case to deliberate
10:00 10 to your verdict, you simply are not to talk about this case
11 with anyone, including your family, your friends, or your
12 fellow jurors.

13 I know that many of you use cell phones, smartphones,
14 the internet, and other tools technology. However, during this
15 jury trial you may not communicate with anyone about this case
16 using your cell phone, e-mail, smart phone, text messaging,
17 Twitter, blogs or websites, internet, chat rooms or social
18 networking websites, such as Facebook, Instagram, Twitter,
19 LinkedIn and YouTube. If you did so, it would be a violation
10:01 20 of your oath as jurors, and might even cause a mistrial at
21 great expense to the parties and to the Court. So I instruct
22 you, therefore, that as long as you are a juror on this case,
23 you are not to use these tools of technology in connection with
24 this case.

25 If you encounter the lawyers, witnesses or parties

1 involved in this case in the hallways, cafeteria or anywhere
2 else, please do not say anything to them. Your talking with
3 them while the trial is ongoing would not only have the
4 appearance of being inappropriate, it would also be
5 inappropriate.

6 In addition, do not read or listen to anything in the
7 media which in any way relates to this case and do not try to
8 do any independent research or make any investigation about the
9 case on your own.

10:02 10 Finally, keep your mind open and do not form any
11 opinion until all of the evidence has been presented. Keep an
12 open mind until you start your deliberations at the end of the
13 case.

14 Now, the trial will begin with opening statements of
15 the attorneys for the parties. An opening statement is neither
16 evidence nor argument. It is an outline of what that party
17 intends to prove and is offered to help you follow the
18 evidence.

19 Next, the government will present its witnesses and
10:02 20 the defendants may cross-examine them. Then the defendants
21 will present their witnesses and the government may
22 cross-examine them. After all the evidence is in, the
23 attorneys will present their closing arguments to summarize and
24 interpret the evidence for you, and then the Court will
25 instruct you on the law. You will then retire to deliberate to

1 your verdict.

2 With that, I will invite the government to make its
3 opening. Mr. Frank.

4 MR. FRANK: Your Honor, Miss Wright will be opening
5 for the government. May we have a moment to set up the
6 monitor?

7 THE COURT: Yes, you may.

8 MR. FRANK: Thank you, your Honor. Your Honor, the
9 jurors can also follow along on their own screens.

10:04 10 THE COURT: Jurors, in the back row in between each
11 seat, there is a little box. If you open that box up, you can
12 pull out a screen. Technology is not always what it's set out
13 to be.

14 We're ready to proceed.

15 MS. WRIGHT: It was the fall of 2018 and defendant
16 John Wilson was worried. His twin daughters were juniors in
17 high school getting ready to apply to college. They were good
18 students, but Wilson wanted them to go to top schools, like
19 Harvard or Stanford, and he did not want to take any chances.
10:10 20 He wanted to make sure they got in. He wanted a guarantee.

21 The evidence in this case will show that he knew just
22 how to get one. He called up a man named Rick Singer, a
23 college counselor who had arranged for Wilson's older son to
24 get into his top choice school just a few years earlier.
25 Together, Wilson and Singer agreed on a plan. They would pose

1 Wilson's daughters as elite athletes, even though neither one
2 of them was. Singer suggested that they pose them as sailors
3 because Wilson had a home in Hyannisport near the water. Then,
4 in exchange for what he called donations totalling
5 \$1.5 million, Singer would arrange for insiders at Harvard and
6 Stanford to recruit Wilson's daughters on to their teams, and
7 that would effectively guarantee their admission to the
8 universities. As Singer told Wilson, "It's a done deal."

9 Defendant Gamal Abdelaziz, the same thing. The
10:11 10 evidence will show that, in exchange for \$300,000, Mr. Aziz,
11 that's what he goes by, agreed to have Singer get his daughter
12 admitted to the University of Southern California, USC, as a
13 phony basketball recruit. They used a fake athletic profile to
14 pose her as a top ranked basketball player. In reality, she
15 did not even make her high school's varsity team.

16 What these two defendants did was criminal. They
17 participated in a scheme to have their children admitted to
18 college as fake athletic recruits in exchange for money.
19 That's fraud. It is also a form of bribery. Those two crimes
10:12 20 are what this case is all about.

21 Good morning. My name is Leslie Wright. I'm an
22 Assistant United States Attorney for the District of
23 Massachusetts. With me at counsel table over here are several
24 of my colleagues from the U.S. Attorney's office. Together, we
25 represent the United States. Our job is to present to you the

1 evidence that shows beyond a reasonable doubt that these two
2 defendants did exactly what they're charged with doing: Lying
3 to get their children into college, using money to get corrupt
4 insiders to make it happen and violating the federal fraud,
5 bribery and conspiracy laws in the process.

6 Now, here is what defendant John Wilson did not know
7 when he called Rick Singer on that September day back in 2018.
8 The FBI was listening to that call. They had been on to
9 Singer's fraud for months and had gotten court authorization
10:13 10 for a wiretap on his phone.

11 Later, Singer agreed to make recorded calls at the
12 FBI's direction. You will learn that this is a lawful and
13 common investigative technique. It's designed to catch a
14 person committing a crime and to gather evidence of crimes that
15 have already been committed. You are going to hear those
16 recorded calls over the course of this trial.

17 You will hear defendant John Wilson in his own words
18 tell Singer that his daughters were not very good athletes, but
19 that maybe they could be the water girl or the mascot for the
10:13 20 Harvard and Stanford teams.

21 You will hear Singer tell Wilson that he could not get
22 both of his daughters into Stanford because the sailing coach,
23 he had to recruit some real sailors, some real sailors, so that
24 Stanford would not catch on. When you listen to that call, pay
25 close attention. You will hear defendant John Wilson actually

1 laugh in response to that.

2 You will also hear recordings that Singer made with
3 defendant Gamal Abdelaziz. Now, you will learn by the time of
4 the FBI's wiretap on Singer's phone, Aziz's daughter had
5 already been admitted to USC, so the FBI directed Singer to
6 call Aziz with a ruse. They directed him to tell Aziz that the
7 IRS was conducting an audit of Singer and asked about the
8 payment Aziz made to get his daughter into USC.

9 In another call, the FBI directed Singer to tell Aziz
10:14 10 that USC's admission officials were wondering why his daughter
11 had not shown up for basketball practice. Neither of those two
12 things is true. Both were made up by the FBI. But defendant
13 Gamal Abdelaziz did not know that. In those calls, you will
14 hear Aziz admit exactly what he had done, the fraud he had
15 committed, the bribes he had paid as part of the scheme, and
16 you will hear him agree to lie to cover it up.

17 So how did the scheme start? The evidence will show
18 that it started with Rick Singer, who ran a college counseling
19 business out of California called The Key. You will learn that
10:15 20 Singer offered his clients a whole suite of services. Some
21 were totally legitimate, like tutoring, standardized test
22 preparation, and assistance with college applications. But
23 some were not legitimate, like arranging for test proctors to
24 cheat on the SAT and ACT on behalf of students and bribing test
25 administrators to let that cheating happen, like having

1 Singer's employees pose as students and take online classes in
2 their names to improve their GPA and by fabricating athletic
3 credentials and getting college coaches and athletic department
4 insiders to pretend to recruit those students in exchange for
5 money.

6 Singer called that last part "the side door". You
7 will learn it was a sprawling conspiracy that extended from
8 coast to coast. It included coaches and athletic department
9 administrators who agreed to facilitate the admission of these
10:16 10 students as phony athletic recruits in exchange for money. It
11 included employees and associates of Singer's organization who
12 created fake athletic profiles for these students and falsified
13 their college applications, who handled the money and issued
14 fake invoices and charitable deduction letters that allowed the
15 parents to write their payments off as business expenses or
16 donations, and it included the parents themselves, like these
17 two defendants and dozens of others who agreed to the lies and
18 the payoffs that made it all possible.

19 The parents did not come up with the scheme. That was
10:17 20 Rick Singer, but without them it never would have happened.

21 Here is how the side door scheme typically worked:
22 First, Singer pitched the parents on the scheme, telling them
23 that he could get their kids into college as athletic recruits
24 in exchange for payments. Singer typically called the payments
25 donations and said that they would go to the university

1 insider's program. In the case of the coach, that usually
2 meant the team that that coach coached. In the case of an
3 athletic department administrator, that typically meant a
4 university athletic fund under that administrator's control.

5 Second, once the parents had agreed to the scheme,
6 Singer had them send him an action photo of their kid playing a
7 sport. In some cases, the kids actually played the sport. In
8 others, they did not. But make no mistake. Whether they
9 played or not, none of these kids were getting recruited to
10:18 10 play collegiate sports without the money or the fake
11 credentials. That was the third step in the scheme.

12 With the action photo in hand, Singer had his
13 associates create a fake athletic profile. Sometimes it was
14 totally invented. Other times, when the kids actually played
15 the sport, Singer would embellish the profile, add in fake
16 awards, improving times, making these kids look like legitimate
17 athletic recruits.

18 Fourth, Singer sent these fake athletic profiles to
19 his university insiders. You will learn that there was a whole
10:19 20 network of corrupt coaches and athletic department
21 administrators at different schools who were part of the scheme
22 at USC, at UCLA, at Stanford, at Yale, and at Georgetown.

23 Step 5. These insiders would use those fake profiles
24 to get the students admitted as recruited walk-on athletes.
25 You will learn that's a term for a recruit who does not receive

1 an athletic scholarship. As recruited walk-ons, these students
2 bypassed the regular admission process and were typically
3 admitted before they even applied.

4 Here's what the admissions department at these schools
5 did not know, what the insiders did not tell them: These were
6 not real recruits. They were never going to play. Their
7 credentials were fabricated. They were being recruited in
8 exchange for money.

9 Step 6 was the payment. Once the students were
10:20 10 advised that they had been admitted, Singer's bookkeeper
11 invoiced the parents for the agreed-upon amount. Typically,
12 that was around \$250,000, sometimes more depending on the
13 student, depending on the school. The evidence will show that
14 there were several ways in which the parents made their
15 payments. Let's walk through them.

16 In some cases, the parents paid part of the money
17 directly to the insider's program or fund as a purported
18 donation, and they sent the rest to Singer, usually to a sham
19 charity that Singer set up called the Key Worldwide Foundation,
10:20 20 or KWF, which allowed the parents to write those payments off
21 as charitable contributions. In a few cases, parents sent this
22 part of the money to Singer's for-profit business, The Key, and
23 wrote those payments off as business expenses. In other cases,
24 when the parents didn't split their payments like this, they
25 would send all of the money to Singer and he took care of the

1 insiders.

2 Typically, Singer told the parents that this money
3 that they paid to KWF, or The Key, would go to support the
4 insider's program. Sometimes some of it did. Singer would
5 make contributions to the coach's team or to the
6 administrator's fund. In other cases, Singer paid the coaches
7 and administrators personally, money to their own pockets or to
8 sports camps or companies they controlled, or he would pay
9 expenses for them, like the private school tuition for a
10:21 10 coach's children.

11 The evidence will show that Singer was not honest with
12 the parents. He did not tell them about these payments to the
13 insiders' pockets, and he did not tell them that he kept a
14 large chunk of their money for himself. Over the course of
15 this trial you will learn that those are not the only things
16 Singer was not honest about. He was dishonest with the parents
17 in all sorts of things, about his background, his business, his
18 connections, and other things as well.

19 Now, whichever way the money flowed, Singer made clear
10:22 20 to the parents that, in exchange for their payments, the coach
21 or athletic department insider would secure an athletic
22 recruitment slot for their children, which would effectively
23 guarantee their admission.

24 The evidence will show that Singer gave the parents a
25 money back guarantee: No admission, no payment. He told them

1 he had done it successfully for other parents many, many times
2 before.

3 Now, over the course of this trial, you will hear
4 about the admissions process for recruited athletes,
5 particularly at USC. The key point is this: Elite
6 universities, like USC, give their athletic coaches the power
7 to recruit high school athletes they think will help their
8 teams win. At USC, which is an athletic powerhouse, those
9 athletes, they include olympic champions and superstars who go
10:23 10 on to play professional sports.

11 You will learn that, at USC, coaches provide
12 information on their recruits to an athletic department
13 administrator who acts as a liaison between athletics and
14 admissions. That liaison presents the coach's recruits to a
15 special athletic admissions subcommittee, called SUBCO for
16 short. That committee is composed of admissions officers from
17 the admissions office, not the athletic department, who review
18 and approve the coach's recruits. You will learn that the
19 overwhelming majority are recruits.

10:23 20 The upshot? If you are talented and lucky enough to
21 be recruited by a USC coach, you are practically guaranteed
22 admission to the university, and that is even true even if your
23 grades aren't that high because the academic requirements for
24 recruited athletes are typically lower than for other
25 applicants.

1 You will learn that the athletic department's liaison
2 to the SUBCO used to be a senior administrator named Donna
3 Heinel. The evidence will show that Heinel was one of Singer's
4 corrupt insiders. She was not a coach. Her job was not to
5 recruit athletes. Her job was to just present to SUBCO the
6 athletes that coaches had recruited, but Heinel abused her
7 position and misled the committee by presenting phony recruits
8 that coaches had not actually recruited and denied knowing
9 anything about it.

10:24 10 You will learn that in her role as liaison to the
11 SUBCO, Heinel presented to the committee with recruitment
12 packets which contained basic information on each recruit, like
13 their GPA and their test scores. That packet also included an
14 athletic profile that contained information on the recruit's
15 athletic ability, championships they had won, awards they had
16 received, and it described how they were expected to contribute
17 to USC athletics. For the children of Singer's clients, that
18 information was fabricated.

19 You will see several of the phony recruitment packets
10:25 20 that Heinel presented to the SUBCO, like this one for defendant
21 Gamal Abdelaziz's daughter. On the left-hand side, this is the
22 cover page of that recruitment packet. You can see how it
23 lists the high school, her GPA, her SAT scores here. Up above
24 under "Sport", it says "WBSK." You will learn that's an an
25 abbreviation for women's basketball. And here under

1 "Percentage Scholarship", "WO" for walk-on.

2 And this, this is the athletic profile that Heinel
3 presented to the SUBCO for Aziz's daughter. You will learn
4 that Heinel took the falsified athletic profile that Singer
5 sent to her, embellished it even more, and presented Sabrina
6 Abdelaziz to the SUBCO as a basketball recruit, even though
7 USC's basketball coach had never even heard of her.

8 Here, it says Sabrina Abdelaziz is a starting point
9 guard and team captain on her high school's team. You will
10:26 10 learn that she was not even on the team at the time. She
11 stopped playing after her sophomore year. You will also learn
12 that this photo that Donna Heinel presented to the SUBCO,
13 that's not even Sabrina Abdelaziz. And here, it says "Sabrina
14 will be a great addition to our USC program." Of course, the
15 real Sabrina did not go on to play basketball at USC.

16 Now, we expect that this document and others that I'm
17 about to show to you will be presented as exhibits during this
18 trial, so you'll see them again, and you will have them in the
19 jury room with you when you go to deliberate on a verdict.

10:27 20 One other thing to quickly note: Like here, you are
21 going to see and hear the names of the defendants' children
22 over the course of this trial. You're going to see photos of
23 them, but this case is about what their parents did, the crimes
24 their parents committed.

25 Another of Singer's corrupt insiders was Jovan Vavic,

1 USC's head water polo coach. The evidence will show that Vavic
2 agreed to recruit defendant John Wilson's son on to the water
3 polo team. Wilson's son was a good water polo player, but he
4 was not good enough to play at USC. That's not what Vavic told
5 the SUBCO though.

6 Here is what he told them in the recruitment packet he
7 submitted for John Wilson's son Johnny. Now, this is a photo
8 of Johnny Wilson, and some of these accolades and credentials
9 are even his, but not all of them. Some of them are
10:28 10 embellished. For example, here Vavic told the SUBCO that
11 Johnny Wilson would have an immediate impact on USC's
12 championship water polo team. That was false. The reality,
13 Johnny never played in a single game.

14 Now, you will learn that the members of the SUBCO,
15 they were completely in the dark about all of this. They had
16 no idea that Donna Heinel and Jovan Vavic were pulling the wool
17 over their eyes. They believed them. They trusted them. They
18 had no reason not to. Why did Heinel and Vavic do it? Money,
19 money that these defendants and their coconspirators funneled
10:28 20 to Heinel and Vavic's programs through Singer, money that
21 helped bolster their careers at USC, and ultimately, money that
22 Singer funneled to Heinel and Vavic personally in the form of
23 ^ fees and private school tuition payments.

24 You will learn that Singer did not share that last
25 part with defendants. As I said earlier, he typically told the

1 parents the money was going to the insider's program. In
2 Vavic's case, that was the water polo team he coached. In
3 Heinel's case, that was usually an athletic fund that she
4 oversaw called the Women's Athletic Board. That is where some
5 of the money went.

6 For example, here is a cashier's check that Singer
7 sent to the USC men's water polo team after Vavic agreed to
8 recruit defendant John Wilson's son, \$100,000 from the Wilson
9 family. Of course, Vavic did not tell the SUBCO that he had
10:29 10 recruited John Wilson in exchange for this money or that he had
11 done so based on embellished athletic credentials.

12 The evidence will also show that later, Singer made
13 tens of thousands of dollars in private school tuition payments
14 for Vavic's two sons.

15 Similarly, the evidence will show that in 2018 Singer
16 began sending \$20,000 per month to Heinel in the form of fake
17 consulting fees. That money, it ended up right in her pocket.

18 Here is a fake invoice that Heinel sent to disguise
19 the true nature of those monthly payments. You will learn
10:30 20 that, at the direction of FBI agents, Singer asked Heinel to
21 add some detail to this invoice, but he did not tell her what
22 to write.

23 Here is what she came up with on her own: Consulting
24 services, interview, evaluation and assessments for prospective
25 students. And look who she listed, Abdelaziz. Again, Singer

1 did not let the parents in on this part of the scheme, but
2 whether the money went to the insider's pocket or to their
3 program, the important point is what the money was for, what it
4 was intended to do. The evidence will show that here the money
5 was intended to get these university insiders to facilitate the
6 fraudulent admission of these students by deceiving the
7 admissions department into approving them as athletic recruits.
8 And that's exactly what happened. Because of those payments,
9 Heinel and Vavic misled their USC colleagues and recruited the
10:31 10 defendants' children using falsified credentials.

11 The evidence will show that these parents knew that.
12 They knew that this scheme required them to pretend that their
13 children were recruitable athletes to falsify their
14 credentials. That is fraud. And wherever they thought the
15 money was going, the evidence will show that they knew it was
16 being used to get an insider to give up a recruitment slot
17 based on those phony credentials, and to mislead others to pull
18 it off. That is a form of bribery, money to get corrupt
19 insiders to stage bogus recruitments using phony credentials.
10:32 20 That was the scheme and that is why we are here today.

21 For their actions, the defendants are charged with
22 several crimes. At the conclusion of the trial Judge Gorton
23 will describe the charges to you and instruct you on the law.
24 For now I will give you a brief overview, but, of course, it is
25 the judge's instructions you should follow.

1 Both defendants are charged with conspiracy.
2 Conspiracy is simply a legal word for an agreement between two
3 or more people to commit a crime. The agreement in this case
4 was among the defendants, Rick Singer, and all the other
5 participants in Singer's scheme, other parents, corrupt
6 insiders, like Donna Heinel and Jovan Vavic, and people who
7 worked for Singer to help make the scheme happen.

8 Now, the law does not require that all the members of
9 the conspiracy know one another or know all the details of the
10:33 10 conspiracy. The evidence in this case will show that while the
11 defendants did not know all of the other participants, they did
12 know they were joining a larger scheme, a network, a network
13 that Singer created, and without that network, the scheme never
14 would have worked.

15 Both defendants are charged with conspiracy to commit
16 mail and wire fraud and honest services mail and wire fraud.
17 They are also charged with conspiracy to commit federal
18 programs bribery.

19 Mail and wire fraud are forms of fraud that involve
10:33 20 the use of the mail or the use of a wire communication, like a
21 phone call or an e-mail or a wire payment or transfer. Honest
22 services fraud is another form of fraud that involves depriving
23 someone, typically an employer, of the honest services of its
24 employee. Federal programs bribery is a form of bribery that
25 involves entities that receive federal benefits, which many

1 universities, including USC, do.

2 The defendants are charged with conspiring to commit
3 mail and wire fraud by making misrepresentations to get their
4 kids into college as something they were not, recruited
5 athletes.

6 They are charged with conspiring to commit honest
7 services fraud by getting those corrupt insiders to agree to
8 falsely present their children as athletic recruits and to lie
9 to university admission officials in exchange for money.

10:34 10 They are charged with conspiring to commit federal
11 programs bribery by giving something of value to those corrupt
12 insiders in exchange for facilitating the admission of their
13 children.

14 Defendant John Wilson is also charged with specific
15 instances of those crimes: Wire fraud, honest services wire
16 fraud, and federal programs bribery, and he is charged with
17 filing a false tax return for improperly writing off his
18 payments to Singer as business expenses and charitable
19 contributions in order to try to reduce the taxes he owed.

10:35 20 We will prove these crimes to you using several
21 different kinds of evidence. As I noted before, the defendants
22 are two of many parents who participated in Singer's side door
23 scheme. You will hear Singer describe the scheme to other
24 participants in his own words when the FBI had a wiretap on his
25 phone and he did not know anyone else was listening.

1 For example, you will hear a call between Singer and a
2 parent named Gordon Caplan. During that call, Singer
3 introduced the side door scheme. This is a transcript of that
4 call. During trial you will have binders with copies of these
5 transcripts so that you can follow along as you listen to the
6 recordings. Here, Singer tells Caplan, "There is a front door,
7 which means you get in on our own, based on merit." Singer
8 says, "The back door is through institutional advancement,
9 fundraising, which is ten times as much money." Singer says he
10:36 10 has created this side door in because the back door, there's no
11 guarantee. They're just going to give you a second look. And
12 Singer says his families, they want a guarantee. In other
13 words, Singer presented his side door as a cheaper alternative
14 that provided parents with something they could not get
15 anywhere else, a guarantee of admission.

16 You will also hear a call in which Singer described
17 the scheme to Agustin Huneeus, another parent who participated
18 in the scheme, whose daughter was admitted to USC as a fake
19 water polo recruit.

10:36 20 This is a transcript of that call. You will hear
21 Singer explain to Huneeus that Donna Heinel was going to
22 present his daughter to the SUBCO as a water polo recruit, and
23 that when she does, Singer says, "You will write a check for
24 \$50,000. It will go to Donna Heinel, senior women's athletic
25 director." He says the check will be made out to USC Women's

1 Athletics. Singer tells Huneeus, "That check, it goes right to
2 her." Then you will hear Huneeus ask Singer, "So there's no
3 chance I give that \$50,000 and she's not admitted?" Singer
4 assures Huneeus that will not happen because he won't have to
5 send him money until he gets the admission letter. That's that
6 money back guarantee.

7 These calls will take you behind the curtain of this
8 conspiracy and give you realtime insight into how it worked.

9 You will also hear directly from another parent who
10:37 10 participated in a scheme, a man named Bruce Isackson. You will
11 learn that Mr. Isackson and his wife worked with Singer to get
12 their two daughters admitted to college as state athletic
13 recruits, their older daughter as a soccer player, even though
14 she wasn't great at soccer, and their younger daughter as a
15 crew recruit, even though she had never rowed crew in her life.

16 Mr. Isackson will explain how the fraud works and all
17 the steps along the way, the action photos, the fake athletic
18 profiles, the payments, and those phony charitable deduction
19 letters.

10:38 20 You will hear from other participants in the scheme as
21 well, including people who worked for Singer and helped
22 facilitate the fraud. One of those witnesses is Laura Janke, a
23 former USC assistant soccer coach, who accepted bribes from
24 Singer when she coached at USC and later went to work with him
25 making fake athletic profiles, including this profile for

1 defendant Gamal Abdelaziz's daughter. You will learn that this
2 profile was invented, made up from information Janke found on
3 the internet. Janke will explain how she would Google
4 students' high schools and try to find club teams in the area
5 as well as tournaments and championships, things she could put
6 on these profiles to make them look plausible. You will learn
7 that this photo on this profile, that's not Sabrina Abdelaziz
8 either.

9 Janke will also explain how Donna Heinel first got
10:39 10 involved in this scheme. You will learn that once Heinel
11 figured out what Singer was up to with Vavic and the other
12 complicit USC coaches, she stepped in to facilitate the
13 fraudulent recruitment for herself in exchange for payments to
14 that fund that she oversees, oversaw.

15 Both Mr. Isackson and Ms. Janke pled guilty to
16 participating in this scheme. They will be testifying about
17 their roles in it in the hopes of getting lighter sentences for
18 their crimes. You will have the opportunity to evaluate their
19 testimony for yourselves and you will see how it is backed up
10:40 20 by other evidence presented to you.

21 For instance, you will be able to see Singer's
22 interactions with the defendants for yourselves because many of
23 their communications were by e-mail. We are going to present
24 those e-mails to you in chronological order so you can see the
25 key milestones in the defendants' relationship with Singer.

1 Fair warning, there are a lot of e-mails. Going through them
2 like that, it might be a bit of a slog, but we are going to ask
3 you to pay close, careful attention because those e-mails are
4 really important evidence of the scheme and of the defendants'
5 knowing participation in it.

6 For example, you will see this e-mail from March of
7 2013. This is right around the time Singer first started
8 discussing the side door scheme with defendant John Wilson,
9 five years before those calls about Wilson's daughter. About
10:40 10 his son, Wilson wrote "obviously his skill level may be below
11 the other freshmen". He asks Singer, "In your view, will he be
12 so weak as to be a clear misfit at practice?"

13 That was followed a few months later by this e-mail in
14 which Singer told Wilson that Coach Jovan Vavic needed a player
15 profile so he could add Johnny to his recruit list and present
16 him to admissions in October.

17 And this one, two months after that, where Singer told
18 Wilson, "Jovan has Johnny's stuff and asked me to embellish
19 Johnny's profile more, which I am doing." Singer also says,
10:41 20 "Jovan will provide Johnny's info to admission when he does
21 this other guy's over the next month. No payment of money
22 until he gets a verbal and written from admissions." Again,
23 that money back guarantee.

24 Here is the profile Singer promised, which he e-mailed
25 Wilson six days later. You will learn that his profile, it

1 was, in fact, embellished, just like Singer said it would be.

2 Days later when Wilson asked, "What are the
3 expectations if Johnny gets into USC through this water polo
4 approach?" Here's what Singer tells him, "Just be ready for
5 practice in the fall as a player on the roster or just a member
6 of the squad but not get in the pool." Here, Singer is
7 assuring Wilson that his son would never need to get into the
8 pool. He would not have to play.

9 And when his son did get admitted to USC as a water
10:42 10 polo recruit, Wilson asked Singer to send him the bill. Here's
11 what he said: "Thanks again for making this happen. Please
12 give me the invoice." He asks, "What are the options for
13 payment? Can we make it for consulting or whatever so I can
14 pay it from the corporate account?"

15 You will learn that that's what Wilson did. As shown
16 here, Wilson paid \$100,000 from his company's account to The
17 Key. He paid another \$20,000 directly to Singer for his time.
18 The evidence will show that Wilson wrote these two payments off
19 as business expenses, and then he paid another \$100,000 to
10:43 20 Singer's foundation, the Key Worldwide Foundation, and he
21 deducted that payment from his taxes as charity.

22 This is how they papered over it, with fake consulting
23 invoices and a fake donation letter saying that no goods or
24 services have been exchanged. None of that was true. None of
25 it. The evidence will show that there were no consulting

1 services. Of course, Wilson did receive something in exchange
2 for his purported donation, an athletic recruitment slot for
3 his son.

4 You are also going to hear from John Wilson's tax
5 preparers who will tell you about how they unwittingly prepared
6 the false tax returns that Wilson submitted based on these
7 bogus documents.

8 You will see a similar pattern for defendant Gamal
9 Abdelaziz. First, an e-mail from Aziz to Singer with an action
10:44 10 photo for his daughter's athletic profile, a photo not of his
11 daughter, but of a different player on her high school's junior
12 varsity basketball team. And then an e-mail from Singer to
13 Aziz attaching the fake profile that Laura Janke had created
14 using that same photo. Here is what Singer asked the defendant
15 when he sent the profile: "Let me know if you want me to add
16 any other awards to her profile or if you think that is
17 enough."

18 Here is the admission approval letter that Singer sent
19 to Aziz after Donna Heinel presented his daughter to the SUBCO
10:45 20 and got her admitted to USC as a basketball recruit. Note what
21 it says here, "Your records indicate that you have the
22 potential to make a significant contribution to the
23 intercollegiate athletic program, as well as to the academic
24 life of the university, and it requires her to register with
25 the NCAA.

1 After his daughter was admitted to USC, Aziz received
2 this invoice from Singer's bookkeeper for what the invoice
3 refers to as his private contribution to the Key Worldwide
4 Foundation. And, finally, that same fake donation letter
5 falsely attesting that no goods or services had been exchanged
6 for Aziz's \$300,000 payment.

7 In addition to this evidence, you will hear from a
8 representative of the USC admissions department, a member of
9 the SUBCO, which was the target of the defendants' fraud, the
10:46 10 people to whom those fake athletic profiles were presented, the
11 people who were deceived. The admissions official will tell
12 you about the trust that SUBCO placed in Donna Heinel and Jovan
13 Vavic and how Heinel and Vavic took advantage of that and
14 breached that trust.

15 As I have mentioned I think a few times now, we will
16 also present to you recordings of the defendants' calls with
17 Singer. You will hear calls between Wilson and Singer when the
18 FBI put a wiretap on Singer's phone over four years after
19 Wilson got his son into USC through the side door, this time
10:46 20 discussing his twin daughters.

21 You will also hear calls with both defendants that
22 Singer later made at the FBI's direction.

23 You will learn that, initially, Singer was difficult
24 for the FBI agents to work with. He agreed to make those
25 recorded calls but then he pushed back, and did he not follow

1 the agents' instructions in lots of ways, including by deleting
2 text messages. He even accused the agents of all sorts of
3 wrongdoing.

4 The government does not intend to call Singer as a
5 witness at this trial, but you will hear his voice in recording
6 after recording. You will see his words in e-mail after
7 e-mail.

8 You will also hear the defendants' voices and you will
9 see their words. This trial is about them, John Wilson and
10:47 10 Gamal Abdelaziz, what they knew, what they intended and what
11 they agreed to do. That you will hear from the defendants
12 themselves in their own words on tape when they did not know
13 anyone was listening.

14 On those calls you will hear Singer describe in detail
15 to Wilson telling him that he could pay up-front to have two
16 spots locked in for his daughters. You will hear Singer tell
17 Wilson that it did not matter what sport they used because they
18 would not have to play. Singer tells Wilson, "That's just the
19 path I'm going to get them in on." Defendant John Wilson's
10:48 20 response? "Gotcha."

21 Ultimately, you will hear Singer tell Wilson that he
22 had struck a deal with the sailing coach at Stanford and with
23 an athletic administrator at Harvard to admit Wilson's
24 daughters as athletic recruits in exchange for money. In
25 reality, that was not true. There was no Harvard

1 administrator. That was a ruse concocted by the FBI, but
2 defendant John Wilson did not know that. You will hear him
3 agree to pay over a million dollars to secure those recruitment
4 slots for his daughters at Harvard and Stanford, money he later
5 sent to an account Singer set up at the FBI's direction.
6 Wilson's worry, what to do if one of his daughters decided she
7 wanted to go to Harvard and he had already bought her a slot at
8 Stanford instead. In Wilson's own words, "that would be a high
9 class problem."

10:49 10 You will also hear recordings of calls Singer made to
11 defendant Gamal Abdelaziz. In those calls, you will hear Aziz
12 admit what he had done and agree with Singer to cover it up.

13 For example, here are excerpts of the calls where
14 Singer told Aziz that USC admissions officials were asking why
15 his daughter had not shown up for basketball. Here, Singer
16 tells Aziz that Donna Heinel was asked by admissions as to why
17 Sabrina did not show up for women's basketball in the fall.
18 Singer says Donna told them that it was because Sabrina had
19 plantar fasciitis. This too was a ruse devised by the FBI,
10:49 20 but, again, defendant Gamal Abdelaziz did not know that. Here,
21 he agrees to give the same cover story. "I will answer the
22 same should they call me."

23 He did not hesitate when presented with the choice to
24 lie. That's what this case is about, lies, lies to obtain
25 athletic admissions slots that were bought and paid for.

1 This case is not about wealthy people donating money
2 to universities in the hope that their children get
3 preferential treatment in the admissions process. The
4 defendants are not charged with crimes for having donated money
5 to USC. If that was all they had done, we would not be here
6 today. We are here today because these defendants made a
7 different choice to get their children admitted to elite
8 universities as state athletic recruits based upon falsified
9 credentials to corrupt university insiders to mislead their own
10:51 10 colleagues in order to exchange the recruitment slots for
11 money.

12 After you have seen and heard all of the evidence, the
13 government will have the opportunity to speak with you again.
14 When we do, we will ask you to return the only verdict
15 consistent with that evidence, that the defendants, John Wilson
16 and Gamal Abdelaziz, are guilty beyond a reasonable doubt as
17 charged. Thank you.

18 THE COURT: For the defendant, Abdelaziz, Mr. Kelly
19 may make his opening.

10:52 20 MR. KELLY: All set?

21 THE COURT: You may begin.

22 MR. KELLY: Good morning. My client is Gamal
23 Abdelaziz. He is not only presumed innocent under the law, he
24 actually is innocent in this case. There are only two charges
25 against Gamal. The evidence in this case will show he didn't

1 do either one of them.

2 Let me try this again.

3 There are two charges against him. He didn't do
4 either one of them. The two charges are what's called
5 conspiracy counts, basically, as the prosecutor says, an
6 agreement to do something illegal. He never agreed to do
7 anything illegal with Rick Singer. Rick Singer is the center
8 of this case. The case revolves around Rick Singer, the whole
9 investigation. It's why we're here. And now, in opening
10:53 10 statement, the government says, never mind, we're not calling
11 him. Think about that when you eventually deliberate. You're
12 allowed to consider what evidence is presented and what
13 evidence is not.

14 Before I move further, if I may introduce my client.
15 He's over at the client table with me. He has three children,
16 Sarah, Adam, and Sabrina. Much of the evidence you will hear
17 in this case is about his third daughter, Sabrina. His wife is
18 sitting behind him today in the courtroom. Sabrina is back in
19 California finishing her senior year at USC.

10:54 20 For Gamal, this case came about because of a
21 conversation he had with this Rick Singer, the government's
22 star cooperating witness, who apparently they're not going to
23 call. He knew Singer for many years before his third daughter
24 Sabrina was going to school. He knew him from his first two
25 kids, Sarah and Adam. Adam actually hit it off really well

1 with Singer. He was sort of a mentor to Adam.

2 So by the time his third child, Sabrina, was going off
3 to college, he knew Singer and he trusted him. He had paid
4 Singer a little over \$5,000 to help with the college consulting
5 application process for his kid Adam. Adam eventually got into
6 Columbia University in New York City. For Gamal, his
7 impression, his mind-set, which is what matters in a conspiracy
8 case, what was he thinking, he thought Singer was legit. He
9 had no inkling that Singer was a skilled con man. And make no
10:55 10 mistake, that's what Singer is, an extremely skilled con man.

11 He went to Gamal's home. Gamal trusted him, thought
12 he was a very good friend. So that's his mind-set when he has
13 this conversation with Singer in the spring of 2017.

14 At the time he was going back and forth, Gamal was, to
15 China for business. His third daughter, Sabrina, was heading
16 to school, to college, and he had a conversation with Singer.
17 His daughter wanted to go to college in LA. USC, of course, is
18 in LA. It was Singer -- so the call starts, as it usually did,
19 with chatter about Adam because Singer and Adam were very good
10:56 20 friends. When they got through speaking about Adam, the
21 subject of Sabrina comes up.

22 Singer asked him, Gamal, "Has she played any sports in
23 high school?" He says, "Yeah, she's played basketball." Now,
24 Singer -- excuse me -- Gamal, he thinks it's a legitimate
25 extracurricular activity when you apply to college. He didn't

1 say she was a superstar. He knew she wasn't a superstar. She
2 only played two years in high school. She went to school
3 because of his job. It was a tremendous sacrifice. He had to
4 go over to Macau, China. His wife and daughter lived in Hong
5 Kong. So she went to Hong Kong International School. It's an
6 academic school. It's not a big sports school. USC's probably
7 never ever had a Division 1 recruit from this Hong Kong
8 International School, nor was Gamal thinking that was the
9 situation.

10:57 10 Singer tells him that USC has these walk-on spots, and
11 if your kid wants to be a practice player or a manager and you
12 make a big donation, it's an enormous boost to the application
13 process, it really helps your kid get in. Again, that's what
14 Singer tells him. If your kid has played a sport, which she
15 had, basketball, she can be a practice player, team manager,
16 and you write a big check, that helps your kid get in.

17 So Gamal was fortunate enough at that time to have the
18 finances to do that. In fact, you'll hear from most people,
19 the amount of money, \$200,000, which is what was requested,
10:58 20 \$200,000, not \$300,000. Singer changed it later so he could
21 pocket a hundred, but he originally asked for \$200,000. And
22 Gamal had it. In fact, he had donated in the past. In fact,
23 after, after his son Adam was at Columbia University, the
24 Columbia people, the development people, approached him and
25 asked him for a donation.

1 That's what these private schools do. USC is a
2 private school. It's not illegal to fundraise and it's not
3 illegal to give money to a school with the hope that it helps
4 your kid get in. And that's Gamal's mind-set. He thought it
5 would help his kid get in. No one ever said bribery to him.
6 No one ever said it at all. Singer certainly didn't say it to
7 him.

8 So that's his mind-set, because that's what matters in
9 a conspiracy count. He had already given a lot of money to
10:59 10 Columbia, \$200,000, coincidentally, and Singer asked him for
11 \$200,000 for USC. So he said okay. In fact, he ultimately
12 told Gamal that it was for a specific place at USC, the Galen
13 Center.

14 Let me show you that photo. It's a real place. I
15 think that is slide 8. There it is. So it's a real place. In
16 Gamal's mind, it was a real donation. These private schools
17 can use donations for many reasons, build buildings, maintain
18 operations, give scholarships to children who do not have the
19 access that his child was blessed to have. So that's part of
10:59 20 the reason he did this.

21 Now, the government has just spoken a lot about this
22 fake athletic profile. Yeah, it was a fake athletic profile.
23 There were all these awards on her athletic profile that he
24 didn't put on there. What the evidence is going to show in
25 this case, that e-mail, that e-mail that they sent on

1 August 8th, that's to an e-mail address he wasn't even using,
2 cox.net. He never replies to this e-mail. They have no
3 evidence that he opened the attachment with the fake profile.
4 There will be zero evidence that he looked at that fake profile
5 because he didn't. He didn't.

6 That e-mail with the picture that was sent to Singer
7 by Gamal? Yeah. He sent that picture. Singer asked him
8 earlier on, send me pictures of Sabrina's team. Sabrina had
9 been the MVP of her team her sophomore year. So Gamal got
11:01 10 pictures from his wife, sent five photos, her whole team
11 playing a game. They're not really professional pictures.
12 Singer picks the one that's not even his kid. Gamal knows what
13 his kid looks like, Sabrina. Singer chooses that picture. He
14 never sees which one he picks.

15 In fact, later, as the government just told you, this
16 woman Laura Janke, who's part of Singer's consulting crew, she
17 changed the profile again without his knowledge, without his
18 involvement, and put a second kid on there from the website of
19 the Hong Kong school. He had no involvement in this athletic
11:01 20 profile. The athletic profile did have fake awards. He had
21 nothing to do with that. He gave Singer photos that his wife
22 took. His wife took all the photos. As I said, for a period
23 of time, he was working over in China. His daughter was in
24 Hong Kong at this school. It's an American school. It's a
25 better school than anything that was available to Macao, China.

1 So he couldn't go to any of the games. The games were on the
2 weekend. I'm sorry, during the week. And he would travel a
3 couple hours from Macao to Hong Kong to see his wife and
4 daughter on weekends. But he didn't make any games. He knew
5 she played basketball and he was proud of her. He was proud of
6 her.

7 The government can make fun of the fact she only
8 played JV, but he was a proud father. When Singer asked if she
9 played any sports, he honestly said yes.

11:02 10 Slide 3.

11 In his mind, his daughter had played basketball. She
12 had been the MVP. When Singer says this school will take kids
13 as practice players or team managers because of these walk-on
14 slots that they set aside to raise money, Gamal said okay,
15 because USC, it was a fundraising machine. Like other private
16 schools, it's permitted to fundraise.

17 In fact, at one point, they had a \$6 billion
18 fundraising goal and the athletic department did its part,
19 raised a lot of money. So it's not unusual that something like
11:03 20 that occurs. People make donations to schools. Sometimes it's
21 in gratitude because you went to the school. Sometimes when
22 the money's big enough, like here, you hope it helps your kid.
23 That's what he did. He was never told he was bribing a single
24 person.

25 You're going to hear all this stuff about Donna

1 Heinel. Donna Heinel, he's never met her once. The first time
2 he hears about her is in that set-up call after the fact. The
3 calls that the government referred to are in late October of
4 2018. The first one was two calls, two calls where Singer
5 calls out of the blue. He hasn't talked to Singer in months.
6 Singer calls him. He's driving his car. He's in LA. How you
7 doing? They talk about Adam, like they always do. That's when
8 this phony IRS is auditing me discussion comes up. That's when
9 Singer tries to inject this name, Donna Heinel, into the
11:04 10 process.

11 He's never heard of her. At the time he was dealing
12 with Singer for Sabrina's application, there was no mention of
13 Donna Heinel. Singer makes, the government's cooperating
14 witness, at the behest of the FBI, throws in Donna Heinel is
15 taking the money. He's never heard of her.

16 And this little invoice that they put up, this invoice
17 is created after his daughter had gotten into the school. He
18 doesn't know about it. It's between Singer and this person
19 Heinel. It's not his doing. It's not in his mind.

11:04 20 Again, he's charged with two things, two conspiracies,
21 agreements to do something illegal, and he never agrees with
22 Singer or anyone else to bribe anyone or to defraud USC. Those
23 are the crux of the two charges on him, bribery and fraud. He
24 didn't do either.

25 Now, you'll see -- in fact, when I say to you that he

1 had no knowledge that -- if Heinel was pocketing money, he
2 didn't know. He didn't know that. In fact, don't take my word
3 for it. In this very case, there's evidence that there's no
4 evidence he thought Heinel was pocketing money.

5 A filing in this case, in this court, the government
6 was not attempting to build a case that the parents understood
7 Heinel to be personally pocketing money, and the government has
8 never alleged that. We agree on that. Gamal doesn't know
9 Heinel's pocketing money. He didn't know anyone was pocketing
10 money at USC. That's not the way it was explained to him by
11 Singer, the government's cooperating witness, because in a
12 conspiracy case, it's what Gamal was thinking and what Singer
13 would do.

14 As I said, giving money to a school with the hope it
15 helps your child get in is not a crime. In fact, here, as I
16 said, Gamal had zero contact with the other parents, none.
17 This massive nationwide conspiracy that the government suggests
18 he's part of, it doesn't exist in his mind. He's talking to
19 Singer. He doesn't even know Mr. Wilson, never met him, never
20 talked to him, never seen him. Nothing Wilson did or he did
21 affected each other. Doesn't know the guy. Wilson's from
22 Massachusetts. Gamal's from Nevada. Doesn't know him.

23 Yes, Gamal was fortunate enough to be able to make
24 this big donation, no doubt about it, but he's not a guy who
25 grew up with a lot of money. He grew up in Egypt, one of eight

1 kids. Like many people, he came to this country in his early
2 twenties. He was dirt poor in Egypt. He came here for more
3 opportunity. When he came here legally, he became a United
4 States citizen. He's been a U.S. citizen for over 35 years.
5 He started working in New York in the hospitality industry. He
6 worked 14, 15 hours a day. He made his money the old-fashioned
7 way. He worked for it. Then he was fortunate enough to go out
8 to Las Vegas, Nevada and got a high ranking job in the
9 hospitality industry. So he made a lot of money, he did, but
11:07 10 that's not a crime, especially when a man like him worked hard
11 for it and he wanted to donate it where he thought it was
12 appropriate.

13 In fact, he had donated some to Columbia in the past.
14 So these big schools, these private schools, who are allowed to
15 fundraise, they want money, and it helps your child get in.

16 Now, this Rick Singer, cold con man, very smooth
17 talker -- the government has talked about how the side door was
18 almost, per se, illegal. That's not the way Singer presented
19 it to the outside world, not at all. He would be in public
11:08 20 talking about his fundraising ideas and the side door, other
21 donors can give money and it helps them get in. He was a very
22 smooth talker. It wasn't just Gamal who got sucked in by it.
23 Major corporations would listen to him.

24 Let me show you a tape of him talking to the Starbucks
25 company.

1 (Audio played.)

2 So that's Singer in action, the guy the government has
3 built this whole case upon. The government has suggested he
4 has a sham charity. Maybe he did. In Gamal's mind, Gamal's
5 mind, it was a legit charity. Remember, Gamal had three kids.
6 The second kid, Adam, had a great experience with Singer, ended
7 up at Columbia. He paid Singer \$5,000 for his services. It
8 was test correcting, that sort of thing. But part of it was
9 Gamal trusted Singer and thought it was a legitimate charity.
11:15 10 It wasn't a sham charity.

11 His kid Adam went on a trip to Atlanta to help
12 underprivileged children. It was a mentoring trip for
13 underprivileged kids in Atlanta. Gamal's son traveled from
14 Nevada to Atlanta with this guy, Singer, and a few other kids.
15 That's a picture of Rick Singer in the middle here at this
16 trip. Gamal's son is in the black shirt. Singer's with the
17 Bruins shirt, not Boston Bruins, that's a UCLA Bruins shirt.
18 So it's a legitimate trip in Gamal's mind. His son
19 participated.

11:15 20 So when it's referred to as a sham charity, I'm not
21 here to debate whether the charity is a proper 501(c)(3)
22 foundation. It's registered as such when you look at the
23 website. His son had gone on a trip, thought it was
24 legitimate. So that's his mind-set.

25 As the government says, there's two charges in this

1 case against him, conspiracy charges. A conspiracy charge,
2 they have to prove specific intent, what's in Gamal's mind, not
3 what's in someone else's mind. There's no guilt by association
4 in federal court. All these other parents, he doesn't know
5 them, doesn't know Wilson, doesn't know the rest of them. It's
6 what's in his mind that matters and what Singer told him.

7 When Singer told him if you make a donation to USC and
8 they have walk-on spots for practice players and team managers,
9 it sounded legit. It did not sound like he was bribing anyone.

10 In fact, the government's first witness who will be called,
11 Bruce Isackson, Singer told him some of that too. So this is
12 not just jargon that Singer threw around specific to Aziz. He
13 threw around a lot, practice players and team managers.

14 For Gamal, he's not a college sports enthusiast. All
15 he knows is that his daughter played basketball in high school
16 and it's a good extracurricular activity, and this guy Singer,
17 who helped his two older kids, was telling him it would really
18 help get into USC is she was a practice player. So that's all
19 the bribery stuff.

20 As I talked to you about that athletic profile, no
21 evidence he replied to the e-mail, no evidence he forwarded the
22 e-mail, no evidence he opened the attachment with all these
23 phony awards. He did not agree to send a picture that wasn't
24 even his daughter. This woman, Laura Janke, who's part of
25 Singer's stable, who will testify, she did all the awards

1 without his input.

2 As a matter of fact, at a certain point, Singer got
3 fed up with the whole situation himself. Even Singer, the con
4 man, got disgusted with what he was doing. Now, when he became
5 a cooperating witness, you're supposed to abide by the law at
6 that point. He didn't, of course. He was charged and
7 convicted of obstruction of justice, but he also wrote a note
8 to himself. He didn't like what was happening, what he was
9 being asked to do, like fill out that invoice months afterwards
11:18 10 that had nothing to do with Gamal. He wrote a note to himself.

11 So this is his note to his iPhone. He's talking about
12 a loud and abrasive call with agents. "They continued to ask
13 me to tell a fib and not restate what I told my clients where
14 the money was going -- their money was going, to the programs,
15 not the coach. And that it was a donation. And they wanted it
16 to be a payment. I asked for a script, if they want me to ask
17 questions and retrieve responses that are not accurate to the
18 way I should be asking questions. Essentially, they are asking
19 me to bend the truth. Liz raised her voice to me like she did
11:18 20 in the hotel room about agreeing with her that everyone bribed
21 the schools, this time about asking each person to agree to a
22 lie I was telling."

23 So there's the con man himself writing a little diary
24 note. Even he is sick of the lying. And these tapes that you
25 will hear contain lies. In that first call that you'll hear

1 when he says something about this Donna Heinel person, bear in
2 mind, you will hear evidence, that a week later after Singer
3 pretends that Gamal's and his daughter hang out, he tells the
4 FBI a week later he doesn't know Donna Heinel. He thought the
5 money was going to the school.

6 Think about that. If you think somebody is going to
7 the school to help you, that's not bribery. Okay?

8 I'm running out of time here, so I have to be careful.
9 Let me get to a suggestion here.

11:19 10 Actually, before I get to suggestion here, the
11 original request was 200,000 from Singer. This gets switched
12 to 300,000 because Singer wants another hundred grand for his
13 foundation. He tells Gamal, "I'm doing great thing overseas.
14 I have all these students overseas. I need more money for the
15 foundation." This was Gamal's last kid, no more college after
16 this. Gamal acquiesced, "Okay. 300,000 to your foundation."
17 Singer says, "It enhances me as a counselor if the money comes
18 from me." At all times, he thought 200,000 was going to USC,
19 but, as it turns out, Singer took all of it. None of it went
11:20 20 to USC, none of it.

21 As you'll hear, these athletic departments, the money
22 was not stolen by someone at USC. So listen to that evidence
23 carefully when you hear it.

24 Couple final points. USC, they weren't duped by what
25 happened with Sabrina Abdelaziz, not at all. The people in the

1 athletics department and that so-called SUBCO, they have their
2 feeder schools, feeder schools like -- some high schools are
3 good at football. So a lot of kids go to play football at the
4 school. Around here, St. Sebastian's, boys hockey, a lot of
5 boys go for hockey, or girls lacrosse, Westwood High School. A
6 lot of girl lacrosse players go to Westwood. But the Hong Kong
7 International School was not a feeder school for sports. It
8 was a feeder school for academics. Anyone reviewing her
9 application is going to know she's not a superstar.

11:21 10 In fact, you'll hear evidence that a member of that
11 SUBCO visited her school. They know her school. No one ever
12 said anything to USC about a superstar in basketball named
13 Sabrina. In fact, you'll hear a little -- you'll see a little
14 text exchange between two admissions officers regarding
15 Sabrina, Gamal's daughter. Let me see that one.

16 So this is --

17 MR. FRANK: Your Honor, I apologize. I have to
18 object.

19 MR. KELLY: It's about his daughter, your Honor.

11:22 20 MR. FRANK: I apologize, your Honor, but this is --
21 he's misstating what this is.

22 MR. KELLY: This is a chat between two admissions
23 people at USC pertaining directly to Sabrina Abdelaziz.

24 MR. FRANK: It is not, your Honor.

25 THE COURT: I'm not going to exclude it now, but I

1 will hear counsel after the opening.

2 MR. KELLY: Sure. So the -- it's from a man named
3 Alexander at USC, USC.edu, to Kelsey Bradshaw, another USC
4 person. What's it about? Sabrina Abdelaziz.

5 Let me read that. So the name, Sabrina Abdelaziz.

6 Kelsey, "Athlete."

7 Alexander, "Yes. What's her deal?"

8 Kelsey, "She's admitted."

9 Alexander, "Do you have any background?"

11:23 10 Kelsey, "Haha."

11 Alexander, "LOL. Is she actually a B ball player?"

12 Kelsey, "She's supposedly the best B ball player in
13 the Asian International School League."

14 Alexander, "Ha. Good to know."

15 Kelsey, "LOL."

16 Alexander, "Thanks."

17 Kelsey, "But yes, it appears she actually plays the
18 sport."

19 Alexander, "Ha."

11:23 20 Kelsey, "That's been a problem this year."

21 Alexander, "Good to know. The counselor reached out
22 and was like, what's up with this admit."

23 Kelsey, "LOL."

24 Alexander, "This school sends us like 60, and she's
25 near the bottom. This is a top feeder for us abroad, so I was

1 like, umm, athlete? I hope this isn't a surprise."

2 Kelsey, "LOL. Oh, athletes."

3 Alexander, "Right? Keep doing the lord's work,
4 Kelsey."

5 Kelsey, "head bang."

6 So that's his daughter's application being discussed
7 about the fact she already got in and she's in the athlete
8 camp. LOL, which means laugh out loud, of course. Here's
9 what's not funny. What's not funny is we have a man, Gamal
11:24 10 Abdelaziz, who is innocent of these two charges and yet here he
11 is in federal court. He will defend himself. He's being
12 charged with crimes he did not commit.

13 Apparently, the man behind it all, Rick Singer, is not
14 coming to court. So, please, bear in mind who's got the burden
15 of proof here. It's always the government who bears the burden
16 of proof. I can sit down and say just prove it, wouldn't have
17 to do anything.

18 At the end of this case, after you hear all the
19 evidence, please keep an open mind, and I'll come back and I
11:24 20 will ask you if, in fact, you will return a verdict of not
21 guilty on the two charges he's facing.

22 Thank you very much for your attention.

23 THE COURT: Now Mr. Kendall will make an opening for
24 the defendant Wilson.

25 MR. KENDALL: Your Honor, can we take a one or

1 two-minute break for technical issues?

2 THE COURT: Yes. We can take a short break at this
3 time. We'll take a break and let's be back at 11:35.

4 (Jury exits.)

5 THE COURT: Counsel, be seated for a minute. Does the
6 government wish to elaborate on its objection?

7 MR. FRANK: Your Honor, we have a number of objections
8 to the opening. We don't believe that video is coming into
9 evidence. Neither of these defendants ever saw that video. We
10 believe it's objectionable on those grounds.

11 We believe that the reference to somebody who has been
12 identified as a non-testifying cooperating witness, the
13 reference to his guilty plea was inappropriate and contrary to
14 the Court's order.

15 With respect to that last exhibit, your Honor,
16 Mr. Kelly specifically represented to the jury repeatedly that
17 that was an exchange between two admissions department
18 officials. That is not true. Neither of those individuals
19 works in the admissions department. They are low ranking
20 assistants in the athletics department. They have nothing to
21 do with admissions. That was simply a false statement that was
22 planted in the jury's mind. We think it's entirely
23 inappropriate.

24 We think Mr. Kelly should instruct the jury himself
25 that what he said was untrue, that they don't work in the

1 admissions department.

2 We also think the jury should be instructed that the
3 opening statements and the exhibits put in front of the jury
4 during opening statements are not evidence in this case.

5 THE COURT: Mr. Kelly, do you wish to respond?

6 MR. KELLY: Yes, your Honor. I think perhaps the jury
7 should be instructed that his objection is not true because
8 Kelsey Bradshaw's on their website at USC as an Associate
9 Director as an admissions counselor. So she does work in the
10 admissions office. I don't know what that's about.

11 We didn't object to their opening where they talked
12 about all these other parents who have nothing to do with him.
13 We let it go. The video references the side door that they
14 talked about in their opening. They brought it up, the side
15 door, and how he's always talking about.

16 We do have Mr. Crawford under subpoena. If we can't
17 get in through the agent, if we can't get in through Crawford,
18 we reserve the right to call Singer ourselves. It's relevant
19 evidence. It goes to the heart of the scheme that they say my
20 client is part of.

21 THE COURT: I've heard enough. Let me say this: If
22 counsel introduced matters in their opening which turns out is
23 not admissible, I am going to make an instruction to the jurors
24 to disregard what that particular counsel said at opening. I
25 will entertain a short proposed instruction from the government

1 as to what it wants me to say to the jury about Mr. Kelly's
2 opening, and I'll reserve as to whether or not I will do it
3 primarily on the basis of whether it turns out what he talked
4 about was admissible or not admissible.

5 I strongly urge counsel to avoid introducing anything
6 in their openings that later turn out to be inadmissible. If
7 that occurs, I will instruct the jury. I think it is worse
8 than if you hadn't said it in the first place if it turns out
9 to be inadmissible evidence.

11:29 10 We're in recess for 10 minutes.

11 (Recess taken 11:29 a.m. to 11:45 a.m.)

12 (Jury enters.)

13 THE COURT: Good morning again, jurors. We're about
14 to hear opening for defendant, Wilson.

15 Mr. Kendall, you may proceed.

16 MR. KENDALL: May it please the Court.

17 Good morning. I'm Mike Kendall. Lauren Papenhausen,
18 Andrew Tomback and I represent John Wilson. On behalf of John,
19 we thank you for your jury service.

11:46 20 I'm going to put aside my prepared comments for a
21 minute because I want to respond to two things that Ms. Wright
22 said in her opening. The first thing she said was, "None were
23 getting recruited without the money." I want to show you two
24 e-mails that the government has and they knew about before they
25 made that statement.

1 Could we first have Exhibit 7255. This is from Jack
2 Bowen, Johnny's high school water polo coach. You don't know
3 the world of water polo. Jack Bowen is royalty in that world.
4 Two-time MVP at the NCAA championship, he led his team to
5 victories both times, an alternate on the Olympic team.
6 Unbelievably successful high school water polo coach. This is
7 what he wrote to the Wilsons. "The Air Force Academy coach has
8 expressed a real interest in Johnny."

9 Can we have the next e-mail, please. Then he's
11:47 10 reporting back to the Wilsons about Johnny. "He continues to
11 be excited about both USC and BC and swimming at BC, and I
12 offered to write a non-academic recommendation for him if he
13 needs it, as I feel I would write a strong one on his behalf."
14 In fact, Coach Bowen did speak to the USC coaching staff and
15 told him they should recruit Johnny.

16 The next thing Ms. Wright said, "They were never going
17 to play," as if Johnny was never going to be on the team,
18 wasn't going to be at practice, wasn't going to be a part of
19 the team.

11:47 20 Could we have the photograph, please. This is the
21 2014 USC water polo team, the official team picture. If you
22 look in the last row on the left, the blond kid with the smile
23 is Johnny Wilson. He was on the team. He was what they call a
24 red shirt. Yes, he didn't get to play in games. There were 13
25 freshmen red shirts that year that didn't play in any games.

1 He was one of the 13, which is the backbone of the team's
2 recruiting, the red shirts, but there he is on the team. He
3 was on the team. He had to withdraw in January after the
4 season was over because he had a third concussion, and that was
5 enough, he thought.

6 So the other thing we have is, we agree with the
7 government. They said John didn't know about any bribery.
8 We've just eliminated a huge part of this trial. They
9 acknowledge that Singer never told John that whatever he was
10 doing, there was no bribery in any discussion with John. John
11 thought he was making legal, legitimate donations, as you heard
12 Singer say in that tape, to IRS-approved charities. Nothing
13 about improper -- why do you think we heard all this talk, Mr.
14 Huneeus, Mr. Kaplan, all these are people that have never met
15 John Wilson because he can't say anything about John Wilson
16 having any connection or knowledge that there was any bribery.
17 He made a donation to the USC water polo team that his son was
18 on.

19 Their whole case is going to boil down to can they
11:49 20 prove that a profile drafted by Mr. Singer and sent to USC is
21 somehow something John is responsible for and that it has
22 materially false statements. No witness will say they ever
23 discussed it with John, that he ever read it or acknowledged
24 it. No witness will support them on that.

25 There is no e-mail to show John ever commented on it

1 or discussed it with anybody. And most importantly -- and I'm
2 not going to tell you all the evidence you're going to see --
3 you will see evidence at trial that shows why John never saw
4 that and why you can conclude he never saw that. That's their
5 whole case. They can't prove that he saw that profile and
6 understood what was on it. They have nothing.

7 And so what John did know was that his children had
8 real accomplishments. Johnny was a star high school water polo
9 player and swimmer who was qualified for USC. He was on the
11:50 10 USC water polo team his freshman season and left because he had
11 a third concussion. The twin girls scored really well on their
12 ACT tests for college entrance. One got a perfect score. The
13 other one got almost a perfect score. He never talked about
14 misrepresenting their athletic abilities. He said they weren't
15 as good an athlete as the boy. They could be a team manager or
16 something like that because that's what Singer told him.

17 So let me introduce you to the Wilson family. There's
18 John sitting there, his son Johnny, his wife Leslie, and his
19 daughters Maimi and Courtney.

11:51 20 So why is John on trial? Because the evidence will
21 show Rick Singer is one of the great con men of our time. He
22 specialized in stealing from rich people, and he stole over
23 half of John's donation to USC. How could he defraud John and
24 such smart people for so many years? Because he did what all
25 the good con men do, he mixed the truth with lies.

1 Mr. Singer was one of the most successful college
2 counselors in California. Who did he advise? Steve Jobs, the
3 founder of Apple computer, the CEOs of major Hollywood studios,
4 the CEOs of major corporations, the investment bankers. The
5 very most successful people in California, many of them came to
6 him for advice. And he was a family adviser to the Wilsons for
7 many years before he stole from them. He exploited the
8 children's success and hard work to steal from their parents.

9 Why was John a perfect mark for Mr. Singer? The
11:52 10 evidence will show John is book smart and engineering smart,
11 but Singer is a different kind of smart. He's a master of
12 manipulation. All of us in this court have the benefit of
13 hindsight. We know the end of this story before you hear the
14 first piece of evidence. But let's look at what John knew as
15 things unfolded, as things happened.

16 If we could have the timeline, please. The relevant
17 time starts in 1998. John became a client of Goldman Sachs,
18 one of the world's most respected investment banks. This part
19 of Goldman specializes in the supporting senior executives who
11:52 20 are overscheduled. CEOs and managers need people to give them
21 support. They need teams and they delegate authority to
22 trusted advisers.

23 John asked Goldman for advice on how to make gifts to
24 support education. The conversations he had with Goldman show
25 John's state of mind about his gift-giving and his donations

1 and taxes. John told Goldman that education was his priority
2 for what turned out to be very generous donations over the
3 20-year period. Goldman provided him with advisers and
4 referred him to lawyers to create trusts and make educational
5 gifts.

6 John told Goldman he was focused on education because
7 of the role education played in changing John's life. John
8 later told Mr. Singer the similar background details about
9 John's life, how he was born, how he grew up, what education
11:53 10 had done for John and John's donations for education. Singer
11 used this information to manipulate and cheat John.

12 I'll now tell you about John's background so you'll
13 understand how Singer sized him up and realized he could
14 manipulate him. John was born in absolute poverty. In the
15 late 1950s his mother got pregnant at 15. Her father was from
16 a conservative family from Puerto Rico, and he threw her out of
17 the house. She became a single mother with several children
18 and a ninth-grade education.

19 John started life in a public housing project in
11:54 20 Hartford, Connecticut. He told Mr. Singer that the name
21 "Wilson" came from the father who adopted him. To this day,
22 John has no idea who is his biological father. He has a
23 23andMe test, that's it. But John explained to Singer he had
24 been more book smart than street smart. He was the kid who did
25 well in math and science, and he got a scholarship to an

1 engineering college called Rensselaer Polytech Institute. Then
2 he went to Harvard Business School.

3 Goldman started giving John legal and tax advice on
4 educational gifts. He got advice on trusts to pay for
5 education for five nieces and nephews. Then he got tax advice
6 on making donations to a university. Years before he ever met
7 Singer, he set up a will and a trust to leave \$2 million to
8 Harvard and the engineering school to fund scholarships for
9 students whose parents did not go to college, to strangers,
11:55 10 like him. They donated to other schools, too. That's how Rick
11 Singer entered the picture.

12 Could I have the timeline, please. John's adviser at
13 Goldman Sachs knew how John valued education. In 2010, the
14 adviser recommended that John retain Rick Singer as Johnny's
15 college counselor. The Goldman adviser had been recommending
16 Rick Singer to other Goldman clients for about three years. At
17 the time it seemed like a great recommendation. As I said
18 earlier, Mr. Singer was one of the most successful college
19 counselors in California.

11:55 20 Can we have the websites, please. He had very slick
21 websites. He eventually wrote two books on college counseling.
22 These are reprints from a later time. And he got glowing
23 references. When Goldman referred Mr. Singer to another
24 financial adviser, this was the biography that was presented.
25 "Read it, please. Best-selling author Rick Singer is the CEO

1 and master coach. The Key's offerings are delivered one-on-one
2 in the client's home or office." Then look at the third
3 paragraph. "A sampling of The Key corporate clients include
4 Morgan Stanley, Smith Barney, Wells Fargo, the Pacific
5 Institute, Disney Records," and various other respected
6 corporations.

7 Why did Singer drop these names and cite these things
8 to John and other people? So they'd trust him, so that he'd
9 defer to their advice. Mr. Singer's client list from the
10 company, there's well over a thousand, I think over 1500 names
11 on it. A lot of these people are like John. They hired
12 Mr. Singer for standard college advising. They did not pay
13 anyone to cheat on tests, and they did not pay bribes.

14 In 2010, Mr. Singer started to advise Johnny Wilson.
15 Johnny was a star high school swimmer and water polo player.
16 That's him winning the championship in the butterfly, the
17 toughest stroke in swimming competition at the league
18 championship in high school.

19 Next one, please. That's him taking a shot in a game
20 in high school. His high school team I think won 14 league
21 championships out of 17 years, something like that.

22 Johnny was on multiple club and school teams. Singer
23 was a sports fanatic and a good adviser for high school
24 athletes. For three years he regularly came to the Wilson
25 house, once every three weeks, once every four weeks, whatever

1 was the schedule, and then he'd call Johnny during the
2 in-betweens of the meetings. He gave advice on tutors and
3 writing coaches, sports and academics. John wanted him to keep
4 track of the boy, so he'd focused on school and not all on
5 sports. And they trusted him so much. They let Singer meet
6 and talk alone with their son for three years. John's not the
7 type of father who would leave his son alone to someone he
8 thought corrupt.

9 Then in 2012, the office supply retailer called
10 Staples hired John to be president of its European operations.
11 John had to move to Holland for the next four years. It was a
12 great career opportunity for John, and John's internet sales
13 were crushing Staples, and Staples wanted a president to see if
14 they could fight Amazon and save the 12,000 jobs of the Staples
15 employees in Europe. It was so stressful, John gained 40
16 pounds those years.

17 Johnny stayed in California to finish high school.
18 You can see that brings us up to about 2012, 2013. And the
19 Wilsons asked Mr. Singer to help Johnny manage his college
11:58 20 applications. The mom and girls were in Europe, too, with
21 their father.

22 While John was working in Holland, Mr. Singer
23 implemented the scheme to steal from John. First he told John
24 several true facts. He said water polo could help Johnny get
25 into college. He said if Johnny worked hard with Mr. Singer's

1 tutor, he could get a strong result on his college boards.

2 Johnny did. He also said that for students like Johnny who are
3 qualified to meet USC standards, making a donation could give
4 them a boost. Mr. Singer said colleges give a preference to
5 the children of donors and that the coaches at USC could
6 support an applicant whose family would donate to the team.

7 Mr. Singer called the strategy and giving a donation
8 to a specific a team or university program a side door. When
9 he explained it to John, he described the side door as a
10 completely legal fundraising strategy approved by USC and other
11 schools to raise funds for specific teams and programs.
12 Mr. Singer never told John that a side door included bribery or
13 fraudulent credentials.

14 USC recruited a few top water polo players and gave
15 them scholarships, but the team took a lot of freshmen and made
16 most of them red shirts. Under NCAA rules in college sports, a
17 red shirt can only practice. They are not allowed to play in
18 games. There were 13 red shirts on the team Johnny's year. He
19 was one of 13 kids that fit the e-mail that they showed you
12:00 20 that said he's not going to get into the pool for a game. 13
21 of them didn't get into the pool for a game that season. And
22 that was John's concern. He was going from being a high school
23 star on the team, all-league, the star of the high school team,
24 and he's going to be a red shirt. But he was and he was there
25 for the season.

1 Mr. Singer said because Johnny was qualified for USC,
2 if John agreed to donate to the USC team, the coach would
3 support Johnny's application as a walk-on red shirt, and he
4 confirmed the donations would be tax deductible.

5 Now, of course the lie was he told them the donation
6 was \$220,000. \$100,000 went to USC, and Singer stole the other
7 \$120,000 for himself. How could Singer steal this money so
8 easily and bamboozle John and other stuff? We're going to show
9 you Singer tell this in his own words. Watch this tape. It's
12:01 10 made by the IRS and FBI agents of Mr. Singer with another
11 informant just before they confronted Singer and made him their
12 informant. Listen to him brag, what a great con man he is.

13 (Video played.)

14 MR. KENDALL: The evidence will show for three years
15 Mr. Singer went into John's home and smiled at his wife and
16 complimented his children. He listened when John told him
17 about his early background in poverty and his later donations
18 for education and autism groups. Mr. Singer knew the kid from
19 the projects would be generous and would trust Mr. Singer's
12:04 20 advice. That's how he stole John's donation. And once he
21 became an informant, that is how he manipulated John for the
22 IRS agents running the investigation.

23 The evidence will show that before and after he
24 started working for the government, Mr. Singer repeatedly told
25 John the side door was perfectly legitimate and exactly what

1 the schools wanted. Here is a part of the tape the government
2 did not play. In it Mr. Singer tells John that he negotiated
3 four side-door donations to Harvard. Listen to how he
4 describes it, please.

5 (Video played.)

6 MR. KENDALL: Mr. Singer convinced John the side-door
7 donations were so legitimate that Mr. Singer would negotiate
8 them with the President of Harvard University. That's
9 obviously not true. Mr. Singer doesn't know the President of
10 Harvard University. In his eight years advising the Wilson
11 family, Mr. Singer never said the donation was a bribe. He
12 said exactly the opposite, that it was an accepted fundraising
13 program.

14 We will present evidence of Mr. Singer's state of mind
15 to show when Mr. Singer proposed side-door donations to John,
16 he intended to propose to offer donations to school programs.
17 In a conspiracy, both sides' state of mind matters. So it's
18 not just evidence of John's state of mind. It's evidence of
19 Mr. Singer's state of mind that we will show you.

12:05 20 Earlier you heard Mr. Singer talking at Starbucks
21 about side-door donations. Could we have the next exhibit,
22 please. This is a proposal for a book. You've heard him refer
23 to that in the Starbucks presentation. It's an outline for a
24 book he was putting together. "Getting Your Child Into College
25 - The Untold Story." What was Chapter 14? "Front, back and

1 side-door relationships. Who you know does matter." Then
2 there's an e-mail he sent to a parent that is exactly the same
3 information he told John. "Okay, side door is not improper,
4 nor is back door. Both are how all schools fund their special
5 programs or needs."

6 Mr. Singer repeatedly combined truth with lies. He
7 was completely truthful when he explained that schools like USC
8 had a different admissions process for athletes than for
9 non-athletes. He was lying when he talked about meeting with
10 the President of Harvard, but he was truthful in saying that
11 USC gave favorable admissions consideration to donors'
12 children.

13 The evidence will show this was part of the services
14 that the USC Athletics Department expected of its employees.
15 The employees would identify donors who would help the school
16 meet its fundraising needs, and then the employees would help
17 those donors' children get admitted.

18 Here are two e-mails from USC Athletic Department
19 discussing Mr. Singer. The first comes from Pat Haden. He is
12:07 20 the top of the athletics department. He is the boss. This is
21 what he does in May 2015. What's interesting is he meets
22 Singer after Johnny has been admitted. It's about a year and
23 change after the admission of Johnny. And one of his
24 fundraising contacts, a lawyer named Chuck Kenworthy, is
25 setting up a relationship. "I would like to introduce you to

1 my friend Rick Singer. He has asked to meet you both." Then
2 he gives the examples of all the fundraising people he's
3 brought to USC. Rick has worked closely with the following
4 families." There's about eight or nine there. John Wilson of
5 Staples is one of them.

6 Could we have the next one, please. Then Donna Heinel
7 sends an e-mail out to Ron Orr. Mr. Orr is the head of
8 fundraising in the athletic department. The athletic
9 department was so focused on fundraising, they had 14
12:08 10 fundraisers just in athletics reporting up to Mr. Haden. 14
11 people full-time raising money led by Mr. Orr. What did he
12 write? What did Ms. Heinel tell the head of fundraising? "I
13 also will be receiving in the next two weeks a check for
14 \$50,000 from the family. The family came to me from Rick
15 Singer who was introduced to me from Pat Haden, the head of the
16 athletics department."

17 The evidence will show the schools created this system
18 of giving an admission boost to donors. We're not defending
19 it. The judge will instruct you. And that is the most
12:08 20 important part of this case, that you follow the judge's
21 instructions. He'll instruct you on which issues are relevant
22 to your verdict and what is the applicable law. We're not here
23 to decide whether the college fundraising system could be
24 better. It is what it is. And you must follow the judge's
25 instructions on the law that you are sworn to do.

1 These were lawful donations John made to USC and the
2 foundation. The IRS has a website that listed Mr. Singer's
3 foundation as an approved charity, so the IRS told anybody who
4 looked it up, including John's tax advisers, that it's okay to
5 take a deduction to The Key Foundation as well as to USC.

6 If we could have the thank-you notes, please. These
7 are the thank-you notes that the school sent John, the
8 \$100,000, and the other from The Key Foundation. John had no
9 idea The Key Foundation was a fraud or a sham as the government
12:09 10 claims. In fact, he used to drive his son Johnny to tutoring
11 programs in the inner city schools of Sacramento for programs
12 sponsored by The Key Foundation. That was John's frame of
13 reference.

14 The government showed you some invoices that it said
15 were part of the tax case. Nobody ever sent those invoices to
16 John. They went to a bookkeeper who didn't understand how to
17 process them correctly and who missed the trojan fund letter.

18 What's the tax -- created? John had a sub S
19 corporation, and you'll hear about tax advice that the sub S
12:10 20 corporation is called a passthrough entity. It doesn't pay
21 taxes. It's just a passthrough to the individual's own tax
22 return. They mistakenly put it down as a deduction on business
23 expenses as opposed to a Schedule A deduction of a charitable
24 deduction. Either way, it was a deduction. It had no real
25 impact in any tax calculation. They're just putting it in

1 there to try to dirty him up. The same way Mr. Huneeus and Mr.
2 Kaplan and all these people he's never had contact with are
3 thrown into the case.

4 You'll see John's tax return. In 2014 he had a
5 fabulous income. 2.5 million in adjusted gross income, 2.5.
6 He paid 953,000 in taxes. That's about 39 percent at that
7 income rate. He made over \$300,000 in charitable
8 contributions. So taxes and charity were about 49 percent of
9 the money he earned of two and a half million dollars.

12:11 10 He's not someone who is looking to cheat the system.
11 To say that this minor thing, the bookkeeper putting it in one
12 place as one kind of deduction instead of another place as
13 another kind of deduction as a motivation of tax evasion I
14 suggest to you is absurd.

15 I now want to move to when John hires Singer in 2018
16 to advise his daughters. In 2018, John still did not know what
17 we know today, that Mr. Singer was a con man. He had known and
18 trusted Mr. Singer for eight years. Mr. Singer met John's
19 daughters at the home when they were nine years old. They were
12:11 20 now juniors in high school, and John called Mr. Singer to hire
21 him to be an adviser to the girls. This is where Mr. Singer
22 told him he was working with the President of Harvard on
23 side-door donations, and he was dealing with the presidents of
24 Brown and Tufts as well. What more do you want for him to sort
25 of tell him this is an official university program than to be

1 citing all the presidents that are discussing it with him?

2 By 2018, Mr. Singer upgraded his pitch. He told
3 Mr. Wilson that he was doing side-door donations for more than
4 50 schools. He said the side door was so common you could use
5 it with non-athletes as well. The daughters could be a team
6 manager or help the team in some other way. Mr. Wilson trusted
7 Mr. Singer and believed he was telling the truth.

8 Mr. Singer had told John in 2014 that he never got
9 paid for the USC donation. He just did it as part of the
10 friendship with John. Of course he didn't tell him he stole
11 \$120,000. John repeated this in 2018 and said, "It's so great.
12 Why are you doing this for free? Don't you think you should
13 get paid for helping somebody facilitate a donation?" It shows
14 you how much he believed and trusted Singer.

15 Next slide, please. At the same time John hired
16 Singer, the FBI recruited him to be their informant.
17 Mr. Singer told the government that sometimes he worked with a
18 cheater to pay bribes, but he told the government other parents
19 did not do these things. They intended to make legitimate
12:13 20 donations to schools. Mr. Singer told the government that
21 Mr. Wilson's son was a real water polo player, and they had
22 never discussed paying a bribe. The government told Singer
23 that wasn't good enough, and they insisted he try and trick
24 Mr. Wilson.

25 This is Mr. Singer's note he wrote to himself about

1 John Wilson when the government was pressuring him. "John
2 Wilson 20,000, nothing to do with USC, plus donation to USC
3 program for real polo player." Right after Mr. Singer spoke to
4 John about his daughters, the government was so aggressive to
5 Mr. Singer, he wrote that note that Mr. Kelly showed you and I
6 want to show you again.

7 This is written on October 2. On October 1 is when
8 these events happened, and they happen in part because of a
9 conversation he had on September 29 with John Wilson. And
10 what's interesting to note is the agents are supposed to write
11 reports any time they have an important event in an
12 investigation. They wrote nothing down about this October 1
13 call. The only reason we have it is because Mr. Singer was so
14 distrustful and frightened and surprised at the way they wanted
15 him to lie about John Wilson, he secretly wrote his own note.
16 I suggest to you most people, even Rick Singer, don't lie in
17 their diary. That's what this was, a private note he'd have so
18 if it ever blew up on him and the agents made him lie and
19 falsify evidence, he can say, "I objected and they forced me to
20 do it."

21 It's in there. Take a moment to read it if you'd
22 like. "They want me to tell a fib and not restate what I told
23 my clients as to where their money was going, to the program,
24 not the coach, and that it was a donation and they want it to
25 be a payment." You'll see on the tapes they made of John how

1 they played cat and mouse with John. "Oh, you got to make a
2 payment to the coach and to the school." And John would say,
3 "Why would I have to make a payment to the school," not
4 realizing they had slipped in "coach" to make it sound like he
5 paid a bribe when Singer told him he never had, it had never
6 been discussed.

7 Think about that. One of the world's greatest con men
8 wrote that even he was upset with the way the IRS wanted to
9 manipulate John Wilson. Plus, Mr. Singer is not going to be
10 here to testify, but we don't need him. We have his note. We
11 know his version of events.

12 The government is supposed to follow rules in
13 investigation. One of these is to avoid bringing -- one reason
14 for this is to avoid bringing an innocent person to trial.
15 Here you'll see the government ignored its rules in the
16 investigation. They didn't write down all the negative things
17 Singer told them. They didn't write down that October 1
18 meeting that caused all of these notes. And they told Singer
19 that you had to talk to Wilson differently than the other
12:16 20 parents. You can't be blunt. You can't be explicit. You
21 can't be direct because we know Wilson will not go for any of
22 it.

23 So I want to show you the type of conversation they
24 had with a parent when they had no reservations. Could we have
25 the next exhibit, please.

1 (Video played.)

2 MR. KENDALL: That's not how they told Singer to ever
3 talk to John Wilson. Never use the word "bribe." They called
4 up all the parents of kids who got into USC and asked them
5 questions about it. They have never asked John a single
6 question about USC. "Oh, John, did you think we bribed Coach
7 Vavic? John, do you remember that profile that was sent to
8 you? You knew it was a false profile." They made no
9 reference. Three months they had undercover work with Singer
10 on John Wilson, three months, multiple phone calls, text
11 messages, e-mails. Not once did they ever say, "Hey, John, do
12 you know that profile to USC, do you know that was a false
13 profile?" They wouldn't go near it because they knew what
14 John's answer would be.

15 In sum, the evidence will show John Wilson did nothing
16 illegal. He trusted a con man who stole his money. That con
17 man knows how to play people better than anybody in this
18 courtroom. He knows how to play an engineering nerd like John
19 Wilson. He knows how to play some of the corrupt parents like
12:18 20 the Isacksons who may come in. He even knows how to play FBI
21 and IRS agents. That's what he did his whole life, played
22 people as easily as one would play a piano.

23 John Wilson did not break the law. The government
24 concedes he had nothing to do with bribery. They have no
25 evidence they can show you that he ever discussed and

1 acknowledged or did anything of a false thing to USC, and
2 there's a series of tapes that even Singer was uncomfortable
3 about. So you'll have to hear his notes and not his testimony,
4 but the notes are all you need to understand what happened, and
5 that is why at the close of this case we will ask you to find
6 John Wilson not guilty of all of the charges. Thank you.

7 THE COURT: All right. We will now proceed with the
8 evidence. My deputy will move that screen so we --

9 MR. KELLY: Your Honor, may I come to sidebar, please.

12:19 10 THE COURT: Yes.

11 *** Beginning of sidebar ***

12 MR. FRANK: Your Honor.

13 THE COURT: We're not all here yet.

14 MR. KELLY: Two things, your Honor. First, I think we
15 preserved this, but under First Circuit law, apparently I'm
16 supposed to specifically note it on the record. Object to
17 hearsay, relevancy and prejudice with the next witness, the
18 Isacksons. I'm supposed to be specific, I guess, so that's
19 what I'm doing for the record. We object to them calling him.

12:20 20 MR. KENDALL: It's just a continuing objection we
21 discussed. We can either stand up in court or just say it now
22 as the Court would like.

23 THE COURT: Does the government have a position?

24 MR. FRANK: No.

25 THE COURT: You can do either one.

1 MR. KELLY: I just think, I think we're required to,
2 so that's why --

3 THE COURT: All right.

4 MR. KELLY: Second, more important. Mr. Frank has
5 told this Court these two people weren't at USC admissions. I
6 want to mark these for identification purposes. They're
7 admissions counselors. He can't stand up to the Court and
8 accuse me of something we didn't do. These people work in the
9 admissions office at USC. He said they didn't. I'm going to
10 object to the government doing that. That's not appropriate.

11 THE COURT: This was something that was done outside
12 of the hearing of the jury, and this will be taken care of
13 outside of the hearing of the jury when we don't have a jury
14 sitting here. Okay?

15 MR. KELLY: I just want to object on the record that
16 they are in fact admissions counselors. When he stands up and
17 says something is not true, he shouldn't do that in front of
18 the jury.

19 THE COURT: He didn't do it in front of the jury.

12:21 20 MR. KELLY: He said something is not true and that --

21 THE COURT: You're talking about what he said after I
22 dismissed the jury, so we'll talk about that when the jury is
23 not being held. I'm not going to allow sidebars when the jury
24 is here about something that doesn't have to do with the jury.
25 So stay forewarned, this is the last time I'm going to do that.

1 MR. FRANK: Your Honor, he was right, I was wrong
2 about that. I withdraw the objection to that exhibit. I made
3 a mistake. But I will preserve my objection to any other
4 issues I raised.

5 THE COURT: Okay. Fair enough.

6 * * * End of sidebar * * *

7 THE COURT: If the government would call its first
8 witness.

9 MR. FRANK: Thank you, Your Honor. The government
10 calls Bruce Isackson.

11 BRUCE ISACKSON, Sworn

12 THE CLERK: Would you please state your name for the
13 record, spelling your last.

14 THE WITNESS: Bruce Isackson, I-s-a-c-k-s-o-n.

15 THE COURT: You may proceed.

16 MR. FRANK: May I inquire of the witness, your Honor?

17 THE COURT: Yes. Mr. Isackson, will you pull the
18 microphone, the whole bottom moves so you can move it closer to
19 you.

12:23 20 THE WITNESS: Got it.

21 THE COURT: Thank you.

22 DIRECT EXAMINATION OF BRUCE ISACKSON

23 BY MR. FRANK:

24 Q. Good afternoon, Mr. Isackson.

25 A. Good afternoon.

1 Q. Can you tell us where you live.

2 A. Hillsborough, California.

3 Q. Is that in the Bay area?

4 A. Yes, San Francisco Bay area.

5 Q. Are you currently employed?

6 A. I am.

7 Q. What do you do?

8 A. I'm a commercial real estate investor.

9 Q. Do you work for yourself or are you employed by someone
12:23 10 else?

11 A. I'm employed by W.P. Investments.

12 Q. Was that previously your own company?

13 A. I was a partner there, yeah.

14 Q. Are you married?

15 A. I am.

16 Q. How long have you been married?

17 A. 29 years.

18 Q. And to whom are you married?

19 A. Davina Isackson.

12:23 20 Q. Do you have children?

21 A. I do.

22 Q. How many children do you have?

23 A. Four.

24 Q. Can you tell us their names and their ages, please.

25 A. Yes. Evan, 25; Lauren, 23; Audrey, 21; and Ryan, 19.

1 Q. Mr. Isackson, have you ever pled guilty to a crime?

2 A. Yes.

3 Q. What crime have you pled guilty to?

4 MR. KENDALL: Objection, your Honor, just for the
5 matter we discussed.

6 THE COURT: Overruled.

7 A. Conspiracy to commit money laundering, mail fraud and tax
8 evasion.

9 Q. When did you plead guilty to those crimes?

10 A. Approximately two and a half years ago.

11 Q. Mr. Isackson, could you tell the jury in your own words
12 what you did that led you to plead guilty to those crimes?

13 A. Yes. I participated in a scheme to get my children
14 admitted to colleges, two of my children admitted to colleges
15 as fake athletic recruits, and I also paid to have one of my
16 daughter's test scores altered.

17 Q. Who did you enter into that scheme with?

18 A. Rick Singer. And I mean, there's a lot of people that,
19 you know -- so let me give you my complete answer, I guess.

12:25 20 Rick Singer who was the mastermind, the ring leader of it, his
21 organization, The Key Foundation, his contacts at colleges in
22 the athletic department, among others, and parents like myself
23 and my wife Davina.

24 Q. I want to return to that, but I want to take a step back
25 for a moment, sir. Can you tell this jury where you were born?

1 A. Yes.

2 Q. Where were you born?

3 A. San Francisco, California.

4 Q. And how far did you go in school?

5 A. Four years at UCLA.

6 Q. And did you graduate?

7 A. I did.

8 Q. What did you graduate with?

9 A. A degree in political science.

12:26 10 Q. What did you do after you graduated from college?

11 A. I became a commercial real estate broker.

12 Q. Where was that?

13 A. At Cushman & Wakefield.

14 Q. That's a brokerage firm?

15 A. It is.

16 Q. And where did you work, what area?

17 A. Oakland, California.

18 Q. So back in the Bay area?

19 A. I did.

12:26 20 Q. You mentioned someone named Rick Singer. Who is Rick
21 Singer?

22 A. Rick Singer was someone we hired to be a college counselor
23 for two of my daughters.

24 Q. How did you meet him?

25 A. We met him, my wife was introduced -- my wife, my

1 daughters -- my daughter horseback rides, as does a woman named
2 Elizabeth Henriquez, and her daughters were at the same
3 competition as my wife, and Lauren was riding. Lauren had a
4 bad fall, ultimately had a concussion. And they spent a couple
5 hours hanging out together. The talk of colleges came up, and
6 she talked highly of Rick Singer and said it was someone my
7 wife -- we should consider.

8 Q. So this was at a horseback riding competition?

9 A. It was.

12:27 10 Q. And what stage was your daughter -- your daughter Lauren?

11 A. Mm-hmm.

12 Q. What stage was she in in high school at that point?

13 A. I believe it was in her senior year, close to her senior
14 year.

15 Q. And what kind of student was Lauren in high school?

16 A. She was above average but not a superior student. Mostly
17 B's, some A's.

18 Q. Did there come a time after Liz Henriquez recommended Rick
19 Singer to your wife that you hired him?

12:27 20 A. Yes.

21 Q. What do you recall about your initial interactions with
22 Rick Singer?

23 A. Rick had a very strong personality. I would say he was
24 almost intimidating. He made it clear there was one way to get
25 into schools, and that was his way. He made us feel that we

1 needed him more than he needed us, even though we were paying
2 him for his services.

3 Q. What do you recall him telling you about your daughter
4 Lauren's college prospect?

5 A. He made it clear that most of the difficult schools to get
6 into or all of the difficult schools she would consider, with
7 her grades and test scores, wouldn't be an option for her.

8 Q. Would be an option or would not?

9 A. Would not, would not.

12:28 10 Q. And what schools were those that she was interested in?

11 A. Oh, there's a list of schools, but her top choice was USC
12 at the time.

13 Q. USC, University of Southern California?

14 A. Correct.

15 Q. What if anything did Rick Singer tell you he could do for
16 you to help Lauren get in?

17 A. He basically said he had a way to get her in, and he had
18 done it countless times, and it was pretty much bulletproof.

19 Q. What do you recall Rick Singer telling you about how it
12:29 20 would work?

21 A. He told us that she would come into the school basically
22 as a fake soccer player, and she could gain entry through that
23 way, as a recruit, and the admissions department would be
24 fooled and take her in that way.

25 Q. Was he that explicit?

1 A. Well, he basically told us that she was going to come in
2 as a soccer player, yes. And she was not a college-level
3 soccer player.

4 Q. Did she play soccer?

5 A. She played high school soccer somewhat.

6 Q. How long did she play soccer?

7 A. She didn't even play her senior year in high school.

8 Q. Did she play soccer competitively --

9 A. No.

12:30 10 Q. -- when she played?

11 A. No. I mean, she was an average player, a little above
12 average player.

13 Q. But she was on her high school's team until senior year?

14 A. Yes. Again, she did not play senior year.

15 Q. Did she play outside of school?

16 A. Yeah -- no. She played when she was younger a little bit
17 of soccer.

18 Q. Did Rick Singer say anything to you about money?

19 A. Yes.

12:30 20 Q. What did he tell you?

21 A. He basically said there was a smorgasbord of money that
22 was given to different schools based on kind of the difficulty
23 and how hard the process was.

24 Q. What did he tell you it would cost to get Lauren into USC?

25 A. Initially he said it was between \$250,000 and \$300,000.

1 Q. Did he tell you what the money was for?

2 A. Yeah.

3 Q. What did he tell you?

4 A. Well, he just said that we'd be making a payment to his
5 foundation and his foundation would funnel it through to the
6 athletic departments of those schools -- that school.

7 Q. To the athletic department?

8 A. Correct.

9 Q. What did you think would happen if you didn't pay the
12:31 10 money?

11 A. There's no way Lauren could have gained entry to the
12 school on her grades or test scores.

13 Q. Did you think your daughter Lauren was qualified to play
14 soccer at the University of Southern California?

15 A. Not even close, no.

16 Q. Did she intend to play soccer in college?

17 A. No.

18 Q. Other than making that payment to Mr. Singer's foundation
19 that you said you understood would go to the athletic program
12:31 20 at USC, what if anything did Rick Singer tell you you needed to
21 do to make this scheme work?

22 A. Well, she was going to be posed as a soccer recruit, so we
23 needed to get a picture of her playing soccer.

24 Q. Did he tell you how that photograph of your daughter
25 playing soccer would be used?

1 A. Yeah. He said he'd put together, you know, the necessary
2 resume that would make her out to be, you know, a superior
3 prospect for a college team.

4 Q. Did you have an understanding of why there needed to be a
5 resume of your daughter's soccer skills?

6 A. Yeah. I mean, she was not a college-level soccer player.
7 She wasn't even an elite high school player, so he would
8 obviously have to embellish her record quite a bit to convince
9 the program that she was capable of being a Division I soccer
10 player.

12:32

11 Q. Did he ever show you the resume? Did you ever see it?

12 A. No.

13 Q. So how do you know that it was falsified?

14 A. Well, she got in as a soccer player to a school she had no
15 ability to get in at, so it had to work.

16 Q. You testified that Rick Singer told you he had done this
17 before?

18 A. Yes.

19 Q. What did he tell you about that?

12:33

20 A. He told us he had done this countless times and it was
21 basically bulletproof.

22 Q. Was it that important to you?

23 A. Very important.

24 Q. Why?

25 A. We did not want to be guinea pigs and have this thing blow

1 up and have my daughter exposed.

2 Q. You testified that he told you it was bulletproof. What
3 do you understand that to mean?

4 A. He said he had done it countless times. Made it seem to
5 us that it had been dozens of students and many at USC.

6 Q. Did he tell you which students or which families he worked
7 with?

8 A. Not in particular, no.

9 Q. Did you know of any families that he worked with?

12:34 10 A. Yes.

11 Q. What did you know about that?

12 A. I knew that they were, a majority of them were from
13 wealthy families and they had kids, some of them that were
14 average students and were getting into good schools.

15 Q. Did you believe this process to be legitimate?

16 A. No.

17 Q. Why not?

18 A. Well, because my daughter was getting admitted as a fake
19 soccer player, and she had no athletic ability to be going to
12:34 20 college and be admitted as a recruit.

21 Q. Did you ultimately pursue the process for your daughter
22 Lauren at USC?

23 A. Yes, we did.

24 Q. Did Lauren get accepted to USC?

25 A. No, she did not.

1 Q. What happened?

2 A. According to Rick, he said that it came out that the
3 athletic department found out she had a concussion, and because
4 of that, she would be ruled out as eligible to play on the
5 team.

6 Q. Did you believe him when he told you that?

7 A. She did have a concussion, but we weren't convinced that
8 was the reason, but we went with it.

9 Q. What happened next?

12:35 10 A. So he went over his list of schools and he came up --
11 among them was University of Santa Barbara, UC Santa Barbara,
12 and that was the school she was excited about.

13 Q. Did there come a time when Lauren visited UC Santa
14 Barbara?

15 A. Yes.

16 Q. Tell us about that.

17 A. My wife took her down to visit the campus. They went
18 around the school. She actually had some friends there. And
19 she came back and was pretty excited about it and decided
12:35 20 that's where she wanted to go next.

21 Q. What happened next?

22 A. We got a voicemail from Rick that he left on our machine
23 that was pretty disturbing.

24 MR. FRANK: Your Honor, at this time if we may
25 distribute to the witness and jurors binders of transcripts?

1 THE COURT: Yes.

2 MR. FRANK: Thank you.

3 MR. KENDALL: Objection, your Honor, hearsay. And
4 this is not a continuing but a particular objection.

5 THE COURT: As to what, a particular document?

6 MR. KENDALL: The tape he wants to play now, your
7 Honor. We don't think it's in furtherance of anything.

8 THE COURT: Mr. Frank?

9 MR. FRANK: Your Honor, it's admissible pursuant to
10 *Petrozziello*, it comes in de bene.

11 THE COURT: I will allow it subject to a *Petrozziello*
12 ruling.

13 MR. FRANK: Thank you, your Honor.

14 THE COURT: Do you have copies for my clerks?

15 MR. FRANK: May I proceed?

16 THE COURT: Yes, you may.

17 BY MR. FRANK:

18 Q. Mr. Isackson, if you could turn to the tab in your binder
19 marked 190. If the jurors could turn to that tab as well.

12:38 20 THE COURT: Before we go on, are you offering this as
21 an exhibit?

22 MR. FRANK: I'm about to offer the audio as an
23 exhibit, your Honor.

24 THE COURT: Okay. Go ahead.

25 Q. Prior to testifying today, did you have an opportunity to

1 review the disc marked as Government Exhibit 190?

2 A. I did.

3 MR. FRANK: And Ms. Lewis, do you have that disc and
4 could you show it to Mr. Isackson, please.

5 Q. Do you recognize that disc?

6 A. I do.

7 Q. How do you recognize it?

8 A. I've listened to it, and I've initialled it on the disc.
9 It's a recording of a voicemail that Rick left for us.

12:39 10 MR. FRANK: The government offers 190.

11 THE COURT: It will be admitted.

12 (Exhibit 190 admitted into evidence.)

13 Q. And turning to the transcript in your binder marked 190,
14 prior to coming here today, did you have an opportunity to
15 review that transcript?

16 A. I have.

17 Q. And is it a fair and accurate transcript of the recording
18 that is Exhibit 190?

19 A. It is.

12:40 20 Q. And are those your initials and a date at the bottom of
21 the transcript?

22 A. They are.

23 Q. So Mr. Isackson, when was this recording -- first of all,
24 you testified this was a voicemail recording.

25 A. Correct.

1 Q. Whose voicemail was this recording left on?

2 A. It was left on my wife Davina's phone.

3 Q. And did you have an opportunity to hear it?

4 A. I did.

5 Q. How did you hear it?

6 A. She played it for me.

7 Q. And that was in or about April of 2016?

8 A. That's correct.

9 Q. And the circumstances were, I believe you testified,
12:40 10 following your daughter's visit to UC Santa Barbara?

11 A. Correct.

12 MR. FRANK: Could we play Exhibit 190, please.

13 (Audio recording played.)

14 Q. Whose voice was that on that voicemail?

15 A. Rick Singer.

16 Q. Mr. Isackson, what was your reaction to receiving that
17 voicemail?

18 A. Both my wife and I were in shock.

19 Q. Did you have any idea what Rick Singer was talking about?

12:42 20 A. We had absolutely no idea.

21 Q. What do you understand him to be telling you?

22 A. He somehow was implying that we had gone behind his back
23 and talked to the coach and maybe mentioned something about
24 Rick. And we did nothing, we had no conversations with anyone.

25 Q. What did you do after you received that message?

1 A. Well, we picked up the phone and called Rick.

2 Q. What did you tell him?

3 A. We basically said we have absolutely no idea why you would
4 say something like that. We've never talked to the soccer
5 coach. And I said, "I don't even know the guy's name." And
6 all of a sudden, when I said "the guy's name," he goes, "The
7 guy's name? It's a woman there." I said, "I don't know,
8 Rick." And then the game was back on. He believed -- he
9 understood we had no conversations with anyone at the school.
12:43 10 He was back working with us.

11 Q. And even after receiving that voicemail from Rick Singer
12 you continued to work with him?

13 A. We did.

14 Q. Why?

15 A. Well, we were far into the process, and to start things
16 out with someone else would have been pretty difficult at that
17 point in time.

18 Q. Did your daughter Lauren apply to UC Santa Barbara?

19 A. No.

12:43 20 Q. Why not?

21 A. Rick never told us, but basically it was too late at that
22 school, we felt, with what had transpired, but he never really
23 gave us an exact real reason.

24 Q. Did there come a time when Singer suggested another school
25 for your daughter?

1 A. Yes.

2 Q. Which school?

3 A. UCLA.

4 Q. University of California at Los Angeles?

5 A. Correct.

6 Q. Did Singer tell you how the process would work with
7 respect to UCLA?

8 A. Yes.

9 Q. What did he tell you?

12:43 10 A. She would be admitted as a soccer player to the school.

11 Q. Was there going to be a payment?

12 A. Yes.

13 Q. Do you recall the amount?

14 A. I do.

15 Q. How much?

16 A. \$250,000.

17 Q. Did you believe that your daughter was qualified to be
18 recruited to play soccer at UCLA?

19 A. No, not even close.

12:44 20 Q. Did you believe that your daughter would be admitted to
21 UCLA without being posed as a soccer recruit?

22 A. No. She did not have the grades or the test scores to do
23 that.

24 Q. Did you have an understanding of what would happen if you
25 didn't agree to pay the money?

1 A. Yeah. She wouldn't have got into UCLA.

2 Q. Did you have an understanding of how the process would
3 work at UCLA?

4 A. Yes.

5 Q. What was your understanding?

6 A. He would create a resume posing her as a fake soccer
7 player. He would walk through the athletics department, his
8 contact there would walk it through the admissions, and she
9 would be accepted as a recruit.

12:45 10 MR. FRANK: Could we show the witness only, please,
11 200.

12 Q. And before we look at this exhibit, Mr. Isackson, did you
13 agree to pursue the scheme with respect to UCLA?

14 A. We did.

15 Q. Do you recognize 200?

16 A. Yes.

17 Q. What is it?

18 A. It's an e-mail.

19 Q. Who is the e-mail from?

12:45 20 A. Rick Singer.

21 Q. Who is it to?

22 A. It's to my wife, Davina, cc'ing myself and my daughter
23 Lauren.

24 Q. What's the date?

25 A. June 29, 2016.

1 MR. FRANK: The government offers 200.

2 THE COURT: It will be admitted.

3 (Exhibit 200 admitted into evidence.)

4 MR. FRANK: Can the members of the jury see that on
5 their screen?

6 THE COURT: It's on the screen. Not in the book.

7 MR. FRANK: Yes, on the screen. If we could direct
8 Mr. Isackson to the bottom e-mail in the chain, the first
9 e-mail in the chain.

12:46 10 Q. Do you see there's an e-mail there from Amy King,
11 Aking@athletics.UCLA.edu to Josh Walters,
12 jwalters@athletics.UCLA.edu, dated June 29, 2016?

13 A. I do.

14 Q. What is the subject?

15 A. Lauren Isackson.

16 Q. She writes, "Hi Josh. Gavin, Petrina and Christina
17 reviewed all the info and are fine moving forward with Lauren.
18 The admissions committee approved her at the meeting yesterday
19 so you can let her know." Do you know who Amy King is?

12:46 20 A. No. I see that she's involved in athletics, though.

21 Q. Do you know who Josh Walters is?

22 A. I do.

23 Q. Who is Josh Walters?

24 A. He was the assistant women's soccer coach.

25 Q. Ms. King wrote, "The admissions committee approved her at

1 the meeting yesterday so you can let her know." Do you have an
2 understanding of what that refers to?

3 A. Yeah, that the athletic department had walked her
4 athletic -- you know -- application through and admissions
5 bought off on it.

6 MR. FRANK: If we could look at the next e-mail up in
7 the chain.

8 Q. Do you see that Mr. Walters forwarded that e-mail to
9 somebody named Jorge Salcedo, jsalcedo@athletics.UCLA.edu?

12:47 10 A. Yes.

11 Q. Do you know who Jorge Salcedo is?

12 A. I do.

13 Q. Who is Jorge Salcedo?

14 A. He was the men's soccer coach at UCLA.

15 Q. Did there come a time when you had an opportunity to meet
16 Jorge Salcedo?

17 A. Yes.

18 Q. Who introduced you to Jorge Salcedo?

19 A. Rick Singer did.

12:47 20 Q. Do you have an understanding of the relationship between
21 Mr. Salcedo and Mr. Singer?

22 A. Yes.

23 Q. What is your understanding?

24 A. He was Mr. Singer -- he was Rick's, you know, inside track
25 with the athletic department at the UCLA men's soccer team.

1 MR. FRANK: If we could look at the next e-mail up in
2 the chain.

3 Q. You see that Mr. Salcedo forwarded this e-mail to Rick
4 Singer.

5 A. Mm-hmm.

6 Q. And then it's cc'd to alikhosrol3@gmail.com. Do you have
7 any idea who that is?

8 A. I do not.

9 Q. If we could look at the next e-mail up in the chain. Do
10 you see that Mr. Singer forwarded this on and wrote "Congrats.
11 Finally"?

12 A. Mm-hmm, I do.

13 MR. FRANK: If we could look at the next e-mail up in
14 the chain.

15 Q. Do you see that your wife Davina Isackson responded,
16 "Rick, I know it's been a rough ride but I thank you from the
17 bottom of my heart and soul for your persistence, creativity
18 and commitment toward helping Lauren. She is a great kid with
19 a wonderful potential. I am so excited for her to enter her
12:49 20 next phase. Now let the adventure begin."

21 Did you have an understanding of why your wife was
22 thanking Rick Singer?

23 A. Yes.

24 Q. What was your understanding?

25 A. It was clear through his process, getting her in as an

1 athlete, that she was accepted to UCLA.

2 Q. She writes. "PS - Audrey would like to meet with you
3 soon. When are you around?" Can you remind us who Audrey is?

4 A. That's my younger daughter.

5 Q. Did you have an understanding of why your wife was
6 referencing your daughter Audrey in this e-mail?

7 A. Yes.

8 Q. Why?

9 A. She wanted to do the process, you know, the college
10 process with Rick again with my daughter.

11 MR. FRANK: Could we show the witness only Exhibit
12 203, please.

13 Q. Mr. Isackson, do you recognize Exhibit 203?

14 A. Yes.

15 Q. What is it?

16 A. It's an e-mail.

17 Q. And who is it from?

18 A. It's from myself to Rick Singer.

19 Q. And what's the date?

12:50 20 A. July 16, 2016.

21 Q. July 16?

22 A. July 11. Excuse me.

23 MR. FRANK: The government offers 203.

24 THE COURT: It will be admitted.

25 (Exhibit 203 admitted into evidence.)

1 Q. If we could, do you see the subject line of the e-mail?

2 A. Yes.

3 Q. It says "Invoice 1107 from The Key Worldwide Foundation."

4 A. Yes.

5 MR. FRANK: Ms. Lewis, could we look at the
6 attachment, please.

7 Q. What is this attachment?

8 A. It's an invoice for Rick's services.

9 Q. It says "Private contribution, letter of receipt will be
12:50 10 provided upon payment."

11 A. Yes.

12 Q. It provides some wiring instructions below that.

13 A. Mm-hmm.

14 Q. And there's an amount of \$250,000.

15 A. Yes.

16 Q. Prior to receiving this invoice, what did you know about
17 The Key Worldwide Foundation?

18 A. Not a lot. I mean, Rick had told us that it was an
19 accredited 501(3)(C) corporation and that he provided
12:51 20 charitable stuff to underprivileged kids as well as helped out
21 at programs at universities that needed funding.

22 Q. Did you believe him?

23 A. I knew that -- I shouldn't say "I knew." I mean, I
24 thought that a small portion of what he was doing would go to
25 these legitimate charitable causes to cover up his scheme.

1 Q. Did you have an understanding of why you were being sent
2 this invoice?

3 A. Yes.

4 Q. What was your understanding?

5 A. It was the payment that he had told us from the beginning
6 was the amount it took to get Lauren in as a fake athlete to
7 UCLA.

8 MR. FRANK: Ms. Lewis, if we could look again at the
9 cover e-mail, and if we could look at the second e-mail in the
10 chain.

11 Q. You wrote, "Hi Rick. I'm in motion getting the payment
12 processed and in that regard had a question for you. Can you
13 please give me a call today to discuss."

14 Do you recall what you wanted to discuss?

15 A. Yes.

16 Q. What was that?

17 A. I wanted to make sure that if Lauren actually didn't get
18 into the school finally, that we would potentially -- we would
19 get our money back.

12:52 20 Q. Why were you concerned about getting your money back if
21 her admission was not finalized?

22 A. Well, I didn't want to pay \$250,000, to make a \$250,000
23 gift to his charity for no reason.

24 Q. You called it a gift?

25 A. Excuse me. I wouldn't want to spend \$250,000, make a

1 payment of \$250,000 to his organization.

2 Q. Why did you call it a gift?

3 A. That was a Freudian slip. It's not a gift. It was a
4 payment.

5 Q. Did Mr. Singer tell you it was a donation?

6 A. Oh, yeah. He said it was a donation to his charity,
7 correct.

8 MR. FRANK: If we could look at the next e-mail up in
9 the chain.

12:53 10 Q. You wrote, "Rick, thanks for the follow-up call regarding
11 the attached Key Worldwide Foundation invoice. Per our
12 discussion, can you please send me an e-mail confirming that if
13 Lauren is not admitted to UCLA as a freshman for the fall 2016
14 class that The Key Worldwide Foundation will refund our
15 \$250,000 gift." And again, you refer to it as a gift there.

16 A. Mm-hmm.

17 Q. Had you previously made charitable donations, sir?

18 A. Yes.

19 Q. Have you ever asked for one of them back if you didn't get
12:53 20 something in exchange?

21 A. Never.

22 MR. FRANK: Could we show the witness only Exhibit
23 204, please.

24 Q. Do you recognize Exhibit 204?

25 A. I do.

1 Q. What is it?

2 A. It's an e-mail.

3 Q. Who is it from?

4 A. Rick Singer.

5 Q. Who is it to?

6 A. Myself, Steve Masera and Steve Masera cc'ing my wife
7 Davina.

8 Q. What's the date?

9 A. July 11, 2016.

12:54 10 MR. FRANK: Government offers 204.

11 THE COURT: It will be admitted.

12 (Exhibit 204 admitted into evidence.)

13 Q. Mr. Singer wrote to you -- first of all, before I get to
14 the text, it's sent to you, your wife and Steve Masera. Did
15 you have an understanding of who Steve Masera was?

16 A. Yes.

17 Q. Who was Steve Masera?

18 A. He was in the accounting department at The Key Foundation.

19 Q. And did you ever have interactions with him?

12:54 20 A. E-mails.

21 Q. Mr. Singer wrote, "Bruce, this is to confirm that your
22 donation of \$250,000 to The Key Worldwide Foundation supporting
23 educational initiatives we have created to help those who need
24 it most will be returned if Lauren's admission to UCLA is
25 reversed from the e-mail acceptance she has already received."

1 Did you believe that your money was going to support
2 educational initiatives to help those who need it most?

3 A. Absolutely not.

4 Q. Did you pay this invoice?

5 A. I did.

6 Q. Why did you pay it?

7 A. Well, I knew that if I didn't pay it, Rick would find a
8 way to have Lauren's admission revoked.

9 MR. FRANK: Could we show the witness only Exhibit
12:55 10 208, please.

11 Q. Do you recognize this document?

12 A. Yes, I do.

13 Q. What is it?

14 A. It's basically, they say there's a receipt of the donation
15 to The Key Worldwide Foundation coming. They're going to send
16 me a hard copy of it.

17 MR. FRANK: The government offers 208.

18 THE COURT: It will be admitted.

19 (Exhibit 208 admitted into evidence.)

12:55 20 Q. Do you see that it's an e-mail from Steve Masera to you
21 and your wife copied to Rick Singer dated July 21, 2016,
22 Subject: Receipt Letter?

23 A. I do.

24 Q. He writes, "Hello Bruce and Davina. I have attached a
25 copy of your receipt letter for the donation made to The Key

1 Worldwide Foundation. Hard copy will be mailed today also.
2 Thank you for your generosity. Steve Masera, Director of
3 Finance at The Key."

4 MR. FRANK: And Ms. Lewis, if we could look at the
5 receipt letter that's attached.

6 Q. It says, "Dear Bruce and Davina. Thank you for your
7 contribution of \$251,159.51 to The Key Worldwide Foundation."

8 Sir, why is the amount different from the \$250,000
9 that you were invoiced?

12:56 10 A. Because we made this gift with stock, and selling shares
11 you couldn't equate it to an even \$250,000.

12 Q. The next sentence reads, "Your generosity will allow us to
13 move forward with our plans to provide educational and
14 self-enrichment programs to disadvantaged youth. We are very
15 excited about the impact these programs will have in the
16 communities in which we will engage."

17 Did you believe that to be true or untrue?

18 A. I believed that to be untrue.

19 Q. The next sentence says, "This letter shall serve as formal
12:57 20 acknowledgment of your contribution for which no goods or
21 services were exchanged."

22 Did you believe that statement to be true or untrue?

23 A. Totally untrue.

24 Q. Why did you believe it to be totally untrue?

25 A. Because the payment got our daughter admitted into UCLA,

1 so we totally had something we received.

2 Q. Did you believe you were entitled to take a tax deduction
3 for that payment of \$251,000?

4 A. No.

5 Q. Why not?

6 A. Because it was an illicit gift that didn't end up going to
7 a charity, and the cost was completely illegal and we did it to
8 participate in the scheme.

9 Q. Did you take the tax deduction?

12:58 10 A. I did.

11 Q. Why did you do that?

12 A. I wanted to get the write-off.

13 Q. Prior to this time had you previously made payments either
14 to The Key Worldwide Foundation or to Mr. Singer's for-profit
15 entity, The Key?

16 A. I believe we had made some tutoring -- he billed us I
17 think approximately \$7,000 for college counseling services
18 before this.

19 Q. And again, that \$7,000 was for what?

12:58 20 A. For helping her with the application process, guiding her
21 through the schools and those kind of things.

22 Q. Did you deduct those payments?

23 A. No.

24 Q. What happened after Lauren was admitted to UCLA?

25 A. Approximately two and a half months after she was

1 admitted, the soccer program found out that she wasn't out on
2 the field, and it ultimately led to them to finding out that
3 she had had a prior concussion which happened during horseback
4 riding. And, you know, they wanted -- they said that basically
5 now she couldn't be on the team. You can't play with a
6 concussion.

7 Q. What did that mean for her admission?

8 A. It would have been revoked. She would have to leave the
9 school.

12:59 10 Q. When you said they were concerned, did you have an
11 understanding who was concerned that she wasn't on the field?

12 A. Yeah. It was the --

13 MR. KENDALL: Objection, your Honor, hearsay.

14 THE COURT: Sustained.

15 Q. What happened as a result of this discovery?

16 A. She basically was told that, you know, she had a
17 concussion, she couldn't be on the team, and she would have to
18 leave the school.

19 Q. Did you meet with anybody as a result of that?

12:59 20 A. We did.

21 Q. Who did you meet with?

22 A. We met with quite a few people at the school. We met with
23 Gavin Crew, Christina Rivera. We met with the head of
24 admissions, I believe his name is Gary Clark.

25 Q. What happened at those meetings?

1 A. Basically we explained to them that Lauren did have a
2 concussion but that we had met with doctors and that she could
3 go through rehab and could be a participating soccer player in
4 a relatively short time, probably 60 days.

5 Q. During the time that you were meeting with those
6 officials, were you being counseled by anyone about how to
7 engage in those meetings?

8 A. Yes.

9 Q. Who was counseling you?

01:00 10 A. Jorge Salcedo.

11 Q. What do you recall about what he told you?

12 A. He basically knew all the inner workings of what was going
13 on behind the scheme -- behind the scenes. And he told us, you
14 know, what to expect and what was the best way to approach it.

15 Q. Did you have an understanding of why he was giving you
16 that advice?

17 A. Sure.

18 Q. What was your understanding?

19 A. He was involved in the scheme, and I think if Lauren left
01:01 20 the school, there's a good chance Rick would have taken his
21 money back.

22 Q. You testified that at the meeting -- was there one meeting
23 or more than one meeting?

24 A. There was only one meeting at the school.

25 Q. You testified that the director of admissions was there?

1 A. Yes.

2 Q. Did you have an understanding from that meeting of whether
3 the director of admissions was aware that your daughter never
4 intended to play soccer at UCLA?

5 A. He clearly didn't have any idea.

6 Q. Did you have an understanding of whether he was aware that
7 your daughter was not qualified to play soccer at UCLA?

8 A. No, he had no idea.

9 Q. Did you have an understanding of why the people at that
01:01 10 meeting were so concerned that your daughter had had a
11 concussion and wasn't able to play soccer?

12 A. Yeah, because she couldn't be a player at that point.

13 Q. Was Lauren ultimately permitted to stay at UCLA?

14 A. Yes.

15 Q. How did that happen?

16 A. They agreed to do a protocol with UCLA doctors that would
17 actually -- you know, she would have to go through and pass,
18 and it took approximately 60 days, and she was able to get
19 approvals that her concussion was subsided and she would be
01:02 20 okay to play.

21 Q. Did she end up playing soccer at UCLA?

22 A. No.

23 Q. What happened?

24 A. She actually became a team manager on the team.

25 MR. FRANK: Your Honor, we're going to switch gears at

1 this point. Would it be an appropriate time to take a break?

2 THE COURT: Yes, we'll take the lunch break. You may
3 step down for the time being, Mr. Isackson. We'll be in recess
4 for one hour, jurors. Normally lunchtime is 1:00 to 2:00.
5 Sometimes we'll go over a few minutes, sometimes maybe a few
6 minutes short, but I'll ask you to be back at 2:00. We will
7 not go after 3:30 today, and we may end a little bit before,
8 somewhere around 2:30. So I'll see you back here at 2:00. You
9 can leave those notebooks on your chairs. You can take your
01:03 10 own notebooks if you want to.

11 (Jury exits the courtroom.)

12 THE COURT: Be seated, counsel. Mr. Frank,
13 approximately how much longer on direct for this witness?

14 MR. FRANK: I was just discussing that with Mr.
15 Kendall, your Honor. I believe he's going to take us the rest
16 of the day and possibly into tomorrow.

17 THE COURT: All right. Fair enough.

18 MR. TOMBACK: Your Honor, when they opened, they
19 mentioned one witness pretty clearly, one Isackson. Can we
01:04 20 have some clarity as to whether Davina is going to testify or
21 not, or is that still up in the air?

22 MR. FRANK: We're waiting to conclude Mr. Isackson's
23 testimony. We mentioned one because we didn't want to promise
24 a second if we weren't --

25 THE COURT: I'll allow him to make that choice after

1 the conclusion of the examination of Mr. Isackson.

2 We're in recess until 2:00 p.m.

3 (Recess taken 1:04 p.m. to 2:03 p.m.)

4 THE CLERK: You may be seated. Court is now in
5 session

6 THE COURT: Good afternoon, jurors. We're ready to
7 resume.

8 Mr. Isackson, you're reminded you're still under oath.

9 You may continue with direct examination, Mr. Frank.

02:04 10 MR. FRANK: Thank you, your Honor.

11 EXAMINATION OF BRUCE ISACKSON (Continued)

12 BY MR. FRANK:

13 Q. Good afternoon again, Mr. Isackson.

14 A. Good afternoon.

15 Q. When we left off, we had been talking about your daughter
16 Lauren and her admission to UCLA. Do you recall that
17 testimony?

18 A. Yes, I do.

19 Q. I want you to switch gears now and talk about your younger
02:04 20 daughter Audrey.

21 A. Okay.

22 Q. Did there come a time where you engaged Rick Singer to
23 pursue this scheme for a second time with your daughter Audrey?

24 A. Yes.

25 Q. What kind of student is your daughter Audrey? Let me

1 rephrase that question. What kind of student was she in high
2 school?

3 A. She was a good student, above average, mostly Bs and As.

4 Q. Mr. Isackson, if you could bring the microphone closer to
5 you. I think we may be having trouble hearing you. If you can
6 speak directly into the microphone, maybe even closer if you
7 can.

8 A. Yes. Is that better?

9 Q. Could you answer that question again? What kind of high
02:05 10 school student was your daughter Audrey?

11 A. Yeah. She was slightly above average, mostly Bs, some As.

12 Q. Was she an athlete in high school?

13 A. Not at all.

14 Q. Did you ultimately decide with Mr. Singer -- well,
15 withdrawn.

16 What college did you ultimately decide with
17 Mr. Singer to pursue admission to for her?

18 A. To USC.

19 Q. What, if anything, did Mr. Singer tell you about how she
02:06 20 would be admitted to USC?

21 A. At USC, he said she would come in as a crew recruit.

22 Q. Crew?

23 A. Crew.

24 Q. Did your daughter row crew?

25 A. No.

1 Q. Had she ever rowed crew?

2 A. No.

3 Q. What, if anything, did he tell you about how much that
4 would cost?

5 A. It was \$250,000.

6 Q. What was your understanding of whether Audrey would have
7 been admitted to USC on her own merit?

8 A. She didn't have the grades or the test scores to get in.

9 Q. Other than paying the \$250,000, what, if anything, did
02:06 10 Rick Singer tell you you had to do in order to get her admitted
11 to USC as a crew recruit?

12 A. He asked us for a headshot of her.

13 Q. A headshot? A photograph?

14 A. Correct.

15 Q. Did he tell you how the photograph would be used?

16 A. He told us that he would be putting together information,
17 a resume, making her out to be a high level high school recruit
18 for colleges as a crew person.

19 Q. Was he that specific or was that something you understood
02:07 20 from what he told you?

21 A. Yeah. That's -- yes. That's what I understood from him.
22 He said he would put together everything that was needed to
23 handle the application.

24 Q. What was your understanding of what the athletic profile
25 would say about your daughter?

1 A. Well, make her out to be an athlete, Division 1 athlete,
2 for a sport she'd never entered in her life and never been in a
3 crew boat or anything.

4 Q. What, if anything, did Mr. Singer tell you Audrey would
5 have to do at USC once admitted pursuant to the scheme?

6 A. He was pretty clear. He said she didn't have to do
7 anything, she didn't even have to go to -- around the crew area
8 at all.

9 Q. What did he tell you about the money?

02:08 10 A. That we'd make a payment to his foundation, and it would
11 be funneled to the athletic program at USC.

12 Q. What was your understanding of what would happen if you
13 didn't pay the money?

14 A. She wouldn't have gotten into the school on her grades or
15 her test scores.

16 Q. Could we show the witness -- well, before I do that, did
17 you agree to pursue this scheme with respect to your daughter
18 Audrey?

19 A. Yes, we did.

02:08 20 Q. Could we show the witness only Exhibit 447. As that's
21 being pulled up on your screen, Mr. Isackson, did you, in fact,
22 send a photograph of your daughter to Mr. Singer for use in an
23 athletic profile?

24 A. We did.

25 Q. Do you recognize Exhibit 447?

1 A. Yes.

2 Q. What is it?

3 A. It's an e-mail.

4 Q. Who's it from?

5 A. From Rick Singer.

6 Q. Who is it to?

7 A. To my daughter Audrey, my wife, Davina, and myself.

8 THE COURT: Mr. Isackson, I'm going to ask you to

9 please move the microphone so that the microphone can come

02:09 10 closer to your mouth, please.

11 THE WITNESS: Is this better? Sorry about that.

12 Q. What is the date of this e-mail?

13 A. It's December 15, 2017.

14 MR. FRANK: The government offers Exhibit 447.

15 THE COURT: It will be admitted.

16 (Exhibit 447 admitted into evidence.)

17 Q. Do you see that the e-mail appears to be forwarding an
18 attachment?

19 A. Yes.

02:09 20 Q. And the name of the attachment, it says "Aubrey"?

21 A. Yes.

22 Q. Is that a typo?

23 A. I assume so, yes.

24 Q. What's your daughter's name?

25 A. Audrey, A-U-D-R-E-Y.

1 Q. It says, "Please attached letter. Please keep this hush
2 hush till late March."

3 Can we look at the attachment, please. Do you
4 recognize the attachment?

5 A. Yes.

6 Q. What is it?

7 A. The acceptance from the Dean of Admissions at USC.

8 Q. It reads in the first paragraph, "Dear Audrey,
9 Congratulations! I am pleased to inform you that the Admission
02:10 10 Committee, after careful review of your credentials, has
11 approved your admission to the University of Southern
12 California for the fall 2018 semester. Your records indicate
13 that you have the potential to make a significant contribution
14 to the intercollegiate athletic program, as well as to the
15 academic life of the university. I can assure you that the
16 faculty and staff will do all that we can to support you in
17 achieving your goals as a student athlete at USC."

18 Mr. Isackson, did you believe that your daughter
19 Audrey had the potential to make a significant contribution to
02:11 20 the intercollegiate athletic program at the University of
21 Southern California?

22 A. No.

23 Q. Did you believe she would be a student athlete at USC?

24 A. No.

25 Q. If we look at the second paragraph, it reads, "Please be

1 advised that this letter of acceptance is based upon a
2 preliminary review of your academic records. In order to
3 validate this acceptance you must: One, complete in full an
4 undergraduate application by January 15, 2018."

5 The date of this letter is December 14, 2017. As of
6 the date of this letter, had your daughter even applied to USC?

7 A. No.

8 Q. If we look at point three, it says "Register with the NCAA
9 Eligibility Center." Did you have an understanding as to why
02:11 10 your daughter needed to register with the NCAA Eligibility
11 Center?

12 A. Yeah. That's where the athletes went to go to sign up.

13 Q. Below the numbered points, it says, "If these conditions
14 are not met, your approval will be revoked. On behalf of the
15 university, I would like to express our pleasure with your
16 commitment to USC. We are delighted to welcome you to our
17 community of scholars and to our athletic program."

18 Who is it signed by?

19 A. The Dean of Admissions, Timothy Brunold.

02:12 20 Q. Could we look at the cover e-mail, please. Now, you see
21 that this e-mail was forwarded to Mr. Singer before he sent it
22 to you. If we could just enlarge that. Who was it forwarded
23 from?

24 A. Rick Singer.

25 Q. Who was it sent to Mr. Singer by?

1 A. Donna Heinel.

2 Q. Can you read into the record Ms. Heinel's signature block,
3 please?

4 A. Sure. Donna C. Heinel, Ed, Senior Athletic Director/SWA,
5 Associate Professor-Rossier School of Education, University of
6 Southern California.

7 Q. I believe that's a senior associate director?

8 A. Senior associate director, yes.

9 Q. Did you have an understanding of why Donna Heinel was
02:13 10 sending this letter of preliminary acceptance to Mr. Singer?

11 A. Yes.

12 Q. What was your understanding?

13 A. That was Rick's contact at USC that he had a relationship
14 with. She was letting him know that Audrey had been accepted
15 early.

16 Q. Prior to receiving this e-mail, had you heard the name
17 Donna Heinel?

18 A. Yes.

19 Q. Who had you heard it from?

02:13 20 A. Rick Singer.

21 Q. Again, what was your understanding from Mr. Singer of who
22 she was?

23 A. He had mentioned her several times as his contact in the
24 athletic department at USC.

25 Q. Mr. Singer wrote to you at top, "Please attached letter.

1 Please keep this hush hush till late March."

2 Did you have an understanding of why you needed to
3 keep your daughter's admission to USC hush hush until late
4 March?

5 A. Yes.

6 Q. What was your understanding?

7 A. She hadn't applied to the school. Her high school -- you
8 know, college people that helped her out at her high school
9 would have no idea that she had an application that had not
02:14 10 been submitted and now she's already accepted. It would have
11 been awfully strange.

12 Q. What was your understanding of what would have happened if
13 you told people she had been admitted?

14 A. They would have figured out that something was awry.

15 MR. FRANK: Could we show the witness only, please,
16 Exhibit 450.

17 Q. Do you recognize Exhibit 450?

18 A. Yes.

19 Q. What is it?

02:14 20 A. It's an e-mail.

21 Q. Who is it from?

22 A. My wife Davina.

23 Q. Who is it to?

24 A. Rick Singer, cc'ing my daughter Audrey, myself, and then
25 Steve Masera at the Key Worldwide Foundation.

1 MR. FRANK: Government offers 450.

2 THE COURT: It will be admitted.

3 (Exhibit 450 admitted into evidence.)

4 MR. FRANK: Ms. Lewis, if you can just enlarge a
5 little more so we can see what Mr. Isackson is responding to.
6 Thank you.

7 Q. Mr. Isackson, do you see that your wife is responding to
8 Mr. Singer's forwarding that acceptance letter?

9 A. I do.

02:15 10 Q. She says "Rick, thank you for your e-mail. Very exciting
11 news. We will definitely lay low until March, satisfy the
12 requirements in the letter, as well as continue through the
13 regular application process and deadlines on Audrey's other
14 colleges."

15 Why was Audrey continuing to apply through the
16 regular process to other colleges if she'd already been granted
17 preliminary approval to go to USC?

18 A. I think I mentioned before, her high school, as most do,
19 helped her with the application process. She had to keep the
02:15 20 ruse going. We had to keep the ruse going that she was doing
21 it the traditional way to get into schools.

22 Q. What did you think would happen if you told Audrey's high
23 school that she was not continuing with the regular application
24 process to other colleges?

25 A. They wouldn't understand any reason for that.

1 MR. FRANK: Could we show the witness only, please,
2 Exhibit 506.

3 Mr. Isackson, do you recognize Exhibit 506?

4 A. Yes.

5 Q. What is it?

6 A. It's an e-mail.

7 Q. Who is it from?

8 A. It's from Melissa Rail from The Key Worldwide Foundation.

9 Q. You see she forwards it to you and your wife?

02:16 10 A. Correct.

11 Q. What's the date?

12 A. April 9, 2019 -- 2018, excuse me.

13 MR. FRANK: The government offers Exhibit 506.

14 THE COURT: It will be admitted.

15 (Exhibit 506 admitted into evidence.)

16 Q. Do you see at the top it says "Forward invoice 1167 from
17 the Key Worldwide Foundation"?

18 A. Yes.

19 Q. At the bottom, it's from Melissa Rail. Do you know who
02:17 20 Melissa Rail was?

21 A. No.

22 Q. It says "Dear Davina, thank you for your generous donation
23 to the Key Worldwide Foundation. Attached is a courtesy
24 invoice which includes our wire instructions," and then it goes
25 on from there.

1 Can we take a look at the attachment, please.

2 What is the attachment?

3 A. It's an invoice.

4 Q. Who's the invoice from?

5 A. The Key Worldwide Foundation.

6 MR. FRANK: Ms. Lewis, if you could highlight the
7 description and the amount.

8 Q. It says "Private Contribution - letter of receipt will be
9 provided upon payment," "Amount," "\$250,000". Did you know,
02:18 10 sir, why you were receiving this invoice?

11 A. Yes.

12 Q. Why?

13 A. It was our payment to get Audrey admitted as a fake
14 athlete to USC.

15 Q. Did you know where that money would go?

16 A. Yes.

17 Q. What did Rick Singer tell you about where that money would
18 go?

19 A. Rick said it would be funneled to the USC athletic
02:18 20 program.

21 Q. Did you know, sir, who would ultimately decide on your
22 daughter's admission to USC?

23 A. Yes.

24 Q. Who would decide on her admission?

25 A. The admissions department.

1 Q. Did you know why you needed to lie on Audrey's application
2 about her athletic abilities?

3 A. Yeah.

4 Q. Why?

5 A. She would not have gotten into school on her grades or her
6 test scores.

7 Q. Did you know if the admission department -- did you have
8 an understanding about whether the admission department knew
9 that?

02:19 10 A. No. There would be no reason to lie if the admissions
11 department knew about it.

12 MR. FRANK: We can take that down.

13 Q. As a part of Audrey's application process, did there come
14 a time when you also engaged Mr. Singer in connection with her
15 standardized college admission tests?

16 A. Yes.

17 Q. Tell us about that.

18 A. He said he had a controlled environment in LA where he
19 would have a proctor administer the test with her one-on-one
02:19 20 and had the ability to change the score after she took the
21 test.

22 Q. Let's break that down a little bit. First of all, you
23 said he told you he had a controlled environment in LA. What
24 did you understand him to mean by "a controlled environment in
25 LA"?

1 A. That it was something that he oversaw and he was
2 responsible for and he knew exactly the process of the test
3 taking and how it started from beginning to end.

4 Q. What, if anything, did he tell you you would need to do to
5 have Audrey take the test in the controlled environment?

6 A. That she would have to have testing shown that she needed
7 additional time to do the test.

8 Q. How would she get additional time?

9 A. Well, basically, if you have -- if it's determined that
02:20 10 you have, I would say, below standard -- you just need more
11 time to process the questions than the average student, then
12 they'd allow you to have more time.

13 Q. And once she got more time, what did you understand would
14 happen?

15 A. She was able to go to Rick's testing center with the
16 proctor that he had placed in there.

17 Q. What did you understand would happen there?

18 A. Audrey would take the test, and when she was finished, the
19 proctor would review it and change the scores to get the score
02:20 20 that Rick felt was needed to get her into the school.

21 Q. Was there a cost associated with that?

22 A. Yes.

23 Q. How much?

24 A. Two hundred -- oh, for that. Excuse me. That was
25 \$100,000.

1 Q. Did you agree to participate in that part of the scheme?

2 A. We did.

3 Q. Did Audrey ultimately -- did there come a time when Audrey
4 ultimately went to Los Angeles to take the test at Mr. Singer's
5 controlled facility?

6 A. Yes.

7 Q. Where do you live?

8 A. We live in Hillsborough, California.

9 Q. How far is Los Angeles from Hillsborough?

02:21 10 A. It's about a six- or seven-hour car ride.

11 Q. Where would Audrey have taken the test if she had not --
12 if you had not pursued the scheme?

13 A. Most likely at her high school.

14 Q. How far is that from your house?

15 A. 15 or 20 minutes.

16 Q. What happened when Audrey took the test in LA?

17 A. She finished the test and told us that she thought she did
18 really well. When she came home --

19 Q. Sorry?

02:22 20 A. When she came home, she told us she thought she did really
21 well.

22 Q. What happened after that?

23 A. We called Rick to see how the test went. I remember his
24 words exactly. He said, excuse my language, "She did shit."

25 Q. What was your reaction when he told you that?

1 A. We were surprised because Audrey studied pretty hard for
2 the test and thought she had done well on her own.

3 Q. So what happened?

4 A. Rick said that they had to change the score.

5 Q. Did he tell you what he thought they should change the
6 score to?

7 A. Yes.

8 Q. What did he tell you?

9 A. It was a 31 on the ACT test.

02:22 10 Q. Did you agree?

11 A. We did.

12 Q. What score did Audrey ultimately receive on the ACT?

13 A. She got a 31.

14 Q. Did you make a payment in connection with that scheme?

15 A. We did.

16 Q. How much?

17 A. \$100,000.

18 Q. Where did you make that payment to?

19 A. To the Key Worldwide Foundation.

02:22 20 Q. Did you believe that that payment was going to charity?

21 A. No.

22 Q. How did you think the money was being used?

23 A. Only one way it could go. It would be to Rick and to his
24 proctor that administered the test.

25 Q. Did there come a time when you took a tax deduction in

1 connection with that purported donation?

2 A. Yes.

3 Q. Did you think it was a legitimate deduction to which you
4 were entitled?

5 A. No. I knew it wasn't.

6 Q. Why did you take the deduction?

7 A. I wanted to get the write-off.

8 Q. Mr. Isackson, did there come a time when you engaged with
9 Rick Singer again with respect -- actually, withdrawn.

02:23 10 Do you know whether that test score you obtained
11 through this scheme was used in connection with your daughter's
12 college applications?

13 A. Yes.

14 Q. How it was used?

15 A. It was part of her application process that was sent into
16 her -- sent into the school.

17 Q. Was it sent into one school or more than one school?

18 A. I know I sent it to USC. I don't recall where else it was
19 sent to. That was the score that was used for testing.

02:24 20 Q. Did there come a time when you engaged Mr. Singer again
21 with respect to your son Ryan?

22 A. Yes.

23 Q. How so?

24 A. We started the process of talking with him about working
25 with Ryan.

1 Q. What did you intend to do with Rick Singer with respect to
2 your son Ryan?

3 A. Used him in the same process for college as we used for
4 our two daughters.

5 Q. I want to direct your attention now to October of 2018.
6 Do you have that time in mind?

7 A. Okay.

8 MR. KELLY: I'm sorry. What time?

9 MR. FRANK: October of 2018.

02:24 10 Q. Mr. Isackson, do you recall receiving a telephone call
11 from Mr. Singer in October of 2018?

12 A. I do.

13 Q. What did he tell you in that call?

14 A. He said his foundation was being audited by the IRS.

15 Q. Prior to coming here today -- well, on your -- on the desk
16 in front of you, there's a disc labeled Exhibit 671. Do you
17 see that disk?

18 A. I do.

19 Q. Do you recognize it?

02:25 20 A. I do.

21 Q. How do you recognize it?

22 A. I've listened to it and I've initialed it as well.

23 Q. Prior to coming here today, you had an opportunity to
24 listen to it you said?

25 A. I have.

1 Q. What is it?

2 A. It's a recording of conversation, a telephone call between
3 Rick and me and his foundation being audited.

4 MR. FRANK: The government offers 671.

5 THE COURT: It will be admitted.

6 (Exhibit 671 admitted into evidence.)

7 MR. FRANK: If the jurors could turn in their binders
8 to the tab labeled 671.

9 Q. Mr. Isackson, if you could do the same. Prior to coming
02:26 10 here today, have you had an opportunity to review that
11 transcript?

12 A. I have.

13 Q. Is it a fair and accurate transcript of the recording?

14 A. Yes, it is.

15 Q. And are those your initials at the bottom of the page?

16 A. Yes.

17 MR. FRANK: Ms. Lewis, if we could start at the
18 beginning.

19 (Audio recording played.)

02:28 20 Q. Mr. Isackson, I just want to ask you a few questions.
21 First of all, do you recognize Mr. Singer's voice on that call?

22 A. I do.

23 Q. If I could direct your attention to page 2 of the
24 transcript at line 6, Mr. Singer said, "So they asked about
25 your payments." Did you have an understanding of who "they"

1 was?

2 A. Yes.

3 Q. What was your understanding?

4 A. It was the IRS.

5 Q. He said one of them was for when Mark took the test for
6 Audrey. Had you heard the name Mark before this phone call?

7 A. No.

8 Q. Did you have an understanding of who that referred to?

9 A. Yes.

02:28 10 Q. Who did it refer to in your understanding?

11 A. Would have been the proctor in the test who changed the
12 results.

13 Q. You responded, "Okay." Was that because you knew what he
14 was talking about?

15 A. It was just shorthand for the process that took place.

16 Q. Did you have an understanding of what he was talking
17 about?

18 A. Yes.

19 Q. At line 9, he says "The payment that we made to Jorge to
02:29 20 help Lauren get into UCLA through soccer." You again responded
21 "Okay." Did you have an understanding of who he was referring
22 to there?

23 A. Yes.

24 Q. Who?

25 A. The payment that we made to get Audrey admitted as a fake

1 athlete at UCLA.

2 Q. Who was Jorge?

3 A. Jorge was the men's soccer coach.

4 Q. Then he says, at line 12, "and then the payment that we
5 made to Donna Heinel at USC to help Audrey get in through
6 crew."

7 Did you have an understanding of what he was
8 referring to there?

9 A. Yes.

02:29 10 Q. What did you understand him to be referring to?

11 A. Again, Donna Heinel helped Audrey in her admissions
12 process at USC.

13 Q. When he said to you "The payment that we made to Donna
14 Heinel," did you understand him to be suggesting to you that
15 the payment had gone to Donna Heinel personally?

16 MR. KELLY: Objection. Leading.

17 THE COURT: Sustained.

18 Q. What was your understanding of what he was telling you
19 about where the payment was going when he said "Payment that we
02:30 20 made to Donna Heinel"?

21 A. He was just talking about the process of how he did it
22 through the athletic department.

23 Q. Did you have an understanding of where that money -- what
24 did he tell you about where that money was going?

25 A. He told us the money was going to the USC athletic

1 program.

2 Q. Did you have an understanding of whether or not he was
3 telling you anything different in this call?

4 A. It was just the process, shorthand, so to speak, how it
5 took place, how he sent the money in.

6 Q. At line 15, he says, "Of course, I'm not going to tell the
7 IRS this is where the money went, how the money was. So I
8 just -- I just want to make sure that what I've told them so
9 far is that that 600K plus has actually gone to pay to our
02:31 10 foundation for underserved kids," and you responded, "Uh-huh."

11 Why did you respond "uh-huh"?

12 A. Because I wanted to be on board with him in that program
13 keeping it disguised.

14 Q. Was it true, in your understanding, that the money was
15 going to pay for underserved kids?

16 A. Absolutely not.

17 Q. Could we pick up at line 24, please.

18 (Audio recording played.)

19 Q. You heard yourself say "Sure, sure"?

02:32 20 A. Yes.

21 Q. If we could go back to page 3, at the top of the page,
22 line 1, Mr. Singer asks you, "Did you take a write-off for
23 those," and you responded, "I did take a write-off for those,
24 yes." What did you mean by that?

25 A. I took a tax deduction for all those checks that I wrote.

1 Q. At line 12, you said, "You know, if we do get audited or
2 something, we would need a letter or something like that."

3 What were you talking about?

4 A. If we did get audited, we'd have to have some proof saying
5 we made a gift to a charitable 501(c)(3), so we'd asked for
6 that letter. We had only gotten it for the first one, not the
7 last two.

8 Q. You had not gotten it for your daughter?

9 A. Yeah. We didn't get it for Audrey for USC, nor for the
02:33 10 test taking.

11 Q. Why did you want the letter?

12 A. To keep the ruse going with the IRS that we had made a
13 charitable gift.

14 Q. At line 17, Mr. Singer says, "so I just wanted to make
15 sure our stories are aligned," and you responded, "Yeah".

16 Why did you respond "yeah"?

17 A. Because I wanted to be on the same page as him. I did not
18 want to have the scheme blown up in our face.

19 Q. At page 4, at line 3, Mr. Singer says, "I'm just saying
02:34 20 that everything went to our foundation to help underserved
21 kids, right?" And you respond at line 6, "But how -- what do
22 they -- do they track that, Rick, though or how do they? Will
23 they?"

24 Who is the "they" you're referring to?

25 A. The IRS.

1 Q. When you said "do they track that", what were you
2 concerned about the IRS tracking?

3 A. The flow of money and where it went.

4 Q. Why were you concerned about that?

5 A. Because it would be fairly hard for him to hide all that
6 money going into the foundation and going from there to USC
7 when I knew a good portion of that money was going into his
8 pockets and the people who helped him.

9 Q. When you said you knew a good portion of that money was
02:35 10 going into his pocket and the people that helped him, was that
11 anything that he ever told you?

12 A. No.

13 Q. So why did you have that belief?

14 A. Well, I did not think that Rick was in the business of
15 working full-time for charitable causes.

16 Q. If we could pick up line 17, please.

17 (Audio recording played.)

18 Q. You said at line 4 on page 5, "I'm assuming that we're not
19 the only people they're asking about."

02:36 20 What other people were you referring to?

21 A. Well, Rick had told me that tons and tons of parents, and
22 I would think there would be a lot of people that would be
23 going through their returns.

24 Q. At line 8, Mr. Singer says, "Tons, tons of people". And
25 you respond at line 9, "Okay. Okay. Good". Why was that good

1 in your view that there were tons of people involved?

2 A. If there was a lot of people, there would be a lot of
3 returns to go through. Most of these people have very
4 complicated returns. It would be pretty hard to figure things
5 out.

6 Q. Who would it be hard -- who would have a hard time
7 figuring things out?

8 A. The IRS.

9 MR. FRANK: Could we pick up at line 9, please.

02:38 10 (Audio recording played.)

11 Q. Mr. Isackson, if I could direct your attention to the
12 bottom of page 5 at line 23, you said at line 23, "But you
13 don't think that they would look at the paper trail on it and
14 try to dig deeper or what's your feeling on it?"

15 What paper trail were you referring to?

16 A. The flow of money from this foundation out.

17 Q. What was your concern?

18 A. It was pretty obvious that Rick wasn't doing this all for
19 charitable causes and was helping people --

02:39 20 THE COURT: I'm having a hard time hearing you. Pull
21 it over closer to you, please.

22 A. It was pretty clear that Rick had a lot of people helping
23 him with this scheme, and they would have to be compensated, as
24 well as himself.

25 Q. At the top of page 7, Mr. Singer says, "He was asking if I

1 had a boy candidate that wanted to get in through UCLA soccer,
2 make the payments, and I didn't know if, you know, potentially
3 Ryan would be one of those".

4 Again, sir, were you considering the scheme at this
5 point for your son Ryan?

6 A. Yes.

7 Q. Did he play soccer?

8 A. He did play soccer.

9 Q. Did he play at a level that, in your view, was sufficient
02:40 10 to be recruited at the collegiate level?

11 A. No, not even close.

12 Q. At line 14 on page 7, you said, "Well, I'm wishing you the
13 best in this thing for both of us here".

14 Why were you wishing Mr. Singer the best for both of
15 you?

16 A. I was just trying to be nice, but my goal was that we
17 would both be okay in this, so I would be okay in this.

18 Q. Were you concerned that he wouldn't be?

19 A. Absolutely.

02:40 20 Q. At the time of this phone call, sir, did you have any idea
21 that you were being recorded?

22 A. No.

23 Q. What was your reaction to receiving this phone call?

24 A. I was in shock.

25 Q. I want to direct your attention now to a few months late

1 in December of 2018. Do you recall a time in or about December
2 of 2018 when Rick Singer visited you at your home?

3 A. I do.

4 Q. What were the circumstances of that visit?

5 A. He came to meet with Ryan and started the process,
6 interview colleges.

7 Q. Could you bring the mic even close?

8 A. I'm really sorry.

9 He was beginning the process of college with Ryan.

02:41 10 Q. Was he going to meet with you or was he going to meet with
11 Ryan?

12 A. Both of us. He met with me and Ryan.

13 Q. Did he meet with you independently?

14 A. We talked first, yes.

15 Q. Did there come a time when you learned that Rick Singer
16 was wearing a wire during that visit?

17 A. Yes.

18 Q. When did you learn that?

19 A. After the fact.

02:41 20 Q. At the time you were not aware of it?

21 A. No.

22 Q. On your desk in front of you is a disk marked Exhibit 607.
23 Have you had an opportunity to review Exhibit 607?

24 A. Yes, I have.

25 Q. Do you see your initials and the date on there?

1 A. I do.

2 Q. What is that?

3 A. It's a recording of the visit between Rick and myself.

4 MR. FRANK: Government offers 607.

5 THE COURT: It will be admitted.

6 (Exhibit 607 admitted into evidence.)

7 Q. If I could direct you and the jury to Tab 607 in your
8 transcript binders. Do you have that in front of you, sir?

9 A. I do.

02:42 10 Q. Mr. Isackson, the jury's going to have the entire audio
11 recording in evidence, but I'm only going to refer you to
12 certain parts right now.

13 A. All right.

14 Q. I'm going to start on page 1 at line 20.

15 MR. FRANK: Miss Lewis, if we can start at 1 minute,
16 37 seconds.

17 (Audio recording played.)

18 Q. What happened in the next few pages of this recording?

19 A. Rick wanted me to go throughout our remodel, and that's
02:43 20 what I did.

21 Q. You showed him around the house?

22 A. Yes.

23 Q. During the conversation with Mr. Singer, did there come a
24 time when you discussed investments in business ventures?

25 A. Yes.

1 Q. Tell us about that.

2 A. Rick told me he was involved in a development in Tahoe and
3 he had homes and he wanted my advice and the best way to market
4 it because he was trying to get out of his investment.

5 Q. Did he tell you about what other investments he had?

6 A. Yes.

7 Q. What, if anything, did he tell you about a gym in Oakland?

8 A. He said that he invested in a gym in Oakland, and they
9 were putting on basketball games, and he was running that, and
02:44 10 it was pretty profitable.

11 Q. What, if anything, did he tell you about Sacramento Kings?

12 A. He told me he was a part owner in the Sacramento Kings.

13 Q. Did you believe him when he told you those things?

14 A. No.

15 Q. Why not?

16 A. Well, to be a part owner of the Sacramento Kings would be
17 a multimillion dollar investment. I didn't think Rick had
18 anywhere near those kind of resources.

19 Q. I want to direct you now to page 25 of the transcript at
02:45 20 line 24.

21 MR. FRANK: Miss Lewis, could you start the audio at
22 18 minutes and four seconds.

23 (Audio recording played.)

24 MR. FRANK: We can stop there.

25 Q. Mr. Isackson, if you'll turn to page 26. At line 10, you

1 said, "I'm so paranoid about this F'ing thing you were talking
2 about. I don't even like talking about it on the phone".

3 What thing were you referring to?

4 A. The IRS auditing his foundation.

5 Q. Why were you paranoid and why did you not want to talk
6 about it on the phone?

7 A. I thought there was a chance they could be taping his
8 phones, and if they hear our conversation about it, I was
9 talking clearly that I knew about the scheme.

02:47 10 Q. If we could turn to page 28, at line 15, Mr. Singer says,
11 "Money's going to Georgetown over here. It's going to USC over
12 here."

13 At line 18, "It's going, and then it's going to the
14 we have the place in Oakland. It's going to fund that."

15 At line 22, "It's taking kids to camp."

16 At line 24, "it's doing this. It's doing that."

17 Did you believe Mr. Singer's money from his
18 foundation was going to all those different places?

19 A. I knew he was filtering a little bit of his money to cover
02:48 20 up his scheme. I knew that the majority of it was not going to
21 anything other than his pockets and people who were involved
22 with him.

23 Q. If we can pick up at page 29, line 10.

24 (Audio recording played.)

25 MR. FRANK: We can stop it there.

1 Q. Mr. Isackson, if you can turn back to page 29 of the
2 transcript, at line 22. You said, "For example, when we did
3 the testing thing." What were you referring to?

4 A. That was a test that Rick had his proctor administer for
5 Audrey.

6 Q. At the top of page 33, you asked, "That was as a gift,
7 right?" What did you mean by that?

8 A. I wanted to confirm he put that down as a gift.

9 Q. What do you mean by a gift?

02:53 10 A. Well, it was a payment for the testing, but I wanted to
11 make sure that he had shown it as a charitable gift to his
12 foundation.

13 Q. At line 3, you said, "And they're not -- there's no way
14 they could correlate and say that wasn't for a gift. That
15 would only be if they would talk to you about that and say,
16 where did that go, right? You know what I'm saying?"

17 What did you mean by that, there was no way they
18 could correlate and say that wasn't for a gift?

19 A. Unless he said something, I was hoping they would not be
02:53 20 able to figure it out.

21 Q. If you could turn to page 34 at line 2, Mr. Singer said,
22 "It's part of a lot of other, right?" And at line 5, "Well,
23 because a lot of other money is in the pot." And you said,
24 "Coming in the pot, right?"

25 What pot were you referring to?

1 A. All the other parents had given money. There was a lot of
2 money coming in and going through the foundation, so it would
3 be difficult to figure things out.

4 Q. What parents did you have an understanding had put money
5 into the foundation?

6 A. I thought it could be hundreds of them.

7 Q. What was your understanding of why parents were putting in
8 the foundation?

9 A. They were doing the same thing I was.

02:54 10 Q. Did you know which specific parents?

11 A. Not exactly.

12 Q. Why did it matter to you that other parents were putting
13 money in the same pot as you?

14 A. Well, if there was a lot of parents doing that, that would
15 make the whole scheme a lot more complicated. Those would be
16 very difficult returns to go through, pretty thick process with
17 tens and tens of people. It would be a tough thing to figure
18 out.

19 Q. At line 23, Mr. Singer said, "Put it this way: There's
02:54 20 lots of people that have done it." At page 35, line 1, you
21 said, "Oh, no. I know. Oh, oh, Goddamn it. I know that".

22 What did you know?

23 A. I knew that a lot of other parents had done the same thing
24 I had done.

25 Q. If we could turn back to page 36 and pick up again at line

1 2.

2 (Audio recording played.)

3 Q. At the bottom of page 37, line 22, you said, "I don't know
4 where, how your money goes. Obviously people are getting, you
5 know, so you're -- they'll be only be able to track maybe, you
6 know, a third of it going out to, so to speak, charity stuff.
7 Will they -- does that sound like something that's going to be
8 a big red flag or what do you think?"

9 What did you mean when you said they'd only be able
02:57 10 to track maybe, you know, a third of it going out to charity?

11 A. I was giving a rough percentage of the amount I thought he
12 was trying to hide by giving it to charitable entities at the
13 colleges and whatnot, and two-thirds of it or more would be
14 going to himself and his people involved in this scheme.

15 Q. When you say to himself and people involved in this
16 scheme, what did you mean by that?

17 A. Again, Rick wouldn't do this with tons and tons of parents
18 just to try and get charity -- to sort of --

19 MR. KENDALL: Objection, your Honor.

02:58 20 THE COURT: Sustained.

21 Q. What was your understanding of why a third of the money
22 would be going to charity?

23 A. It was just commonsense.

24 Q. At line 9, Mr. Singer said, "There's stuff going to
25 universities".

1 At line 18, he said, "You could see -- you'd have to
2 understand college to understand the correlation that money
3 went to the school to help the kid get in?"

4 At line 23, he said, "You'd have to know dates.
5 You'd have to be able to figure out."

6 Did you have any idea what he was talking about
7 there?

8 A. Yes.

9 Q. What did you think he was talking about?

02:59 10 A. He was saying if they dug really deep, they could see the
11 year they wrote a large check, their child got into a large
12 university, and they would put those two and two together and
13 it would be pretty peculiar.

14 Q. Can we pick up at page 39 at the top.

15 (Audio recording played.)

16 Q. Mr. Isackson, at page 41 -- first of all, line 8, there's
17 a quiet moment on the recording. There's a barely audible
18 voice that says "Why don't you send a PDF." Do you have an
19 understanding of what was happening there?

03:02 20 A. Yeah. I think Rick was just typing on his phone while we
21 were having our meeting for some reason. That was him talking
22 as he was doing it.

23 Q. At line 13, you said, "I don't even take the write-offs,
24 you know, for taking people out to lunch and those kind of
25 things because, to me, just as I said to my accountant, for me

1 the ten or 15 grand off my statement and have them come back
2 and say show me those receipts or do this or that, I'd just
3 rather do it, so I really -- everything I do is clean."

4 Was it really true that everything you did was clean?

5 A. No.

6 Q. What wasn't clean?

7 A. This process with my children and the process of the test
8 taking and that taking that deduction as well too, the college
9 payments.

03:03 10 Q. Was it true when you said "I don't take write-offs for
11 taking people out to lunch and those kind of things"?

12 A. Yes.

13 Q. Do you think you would actually be entitled to those kind
14 of deductions for actual business expenses?

15 A. Yeah.

16 Q. I'm sorry?

17 A. Yes. You take people out to lunch, you can write that off
18 if it's business related.

19 Q. Did you think that because you didn't take those
03:03 20 deductions you were entitled to take these deductions?

21 A. No. Not at all. It had nothing to do with it.

22 Q. At page 42, you said, at line 3, "That's all in your, in
23 your, in your 10 years, 50. Okay."

24 Then, at line 6, you said, "Okay, but so -- and
25 there's some big people."

1 He said, "Huge people, right? Big, big people."

2 What was your reaction when Mr. Singer told you he
3 had done this for about 50 people?

4 A. I was surprised.

5 Q. Why were you surprised?

6 A. I figured he'd average five people a year, the way he
7 described this scheme. I thought there was a lot more have
8 gone their kids take the test that way.

9 Q. Did you want there to be more people involved?

03:04 10 A. Absolutely.

11 Q. Why?

12 A. Again, the more people involved, the more returns the IRS
13 would go through, the much more complicated it would be to
14 figure this out.

15 MR. FRANK: Can we pick up at page 42, line 11.

16 (Audio recording played.)

17 MR. FRANK: We can stop there, please.

18 Q. Mr. Isackson, if you can turn back to page 24 of the
19 transcript. At line 17, you said, "you know, if they get into
03:07 20 the meat and potatoes, this could be the -- the front page
21 story with everyone from Kleiner Perkins through whatever
22 getting these kids into school".

23 First of all, who's Kleiner Perkins?

24 A. It's a large venture capital firm in Silicon Valley.

25 Q. A large venture capital firm?

1 A. Correct.

2 Q. What was your understanding about Kleiner Perkins?

3 MR. KENDALL: Objection, your Honor.

4 THE COURT: We can have what his understanding of it
5 was. Overruled.

6 A. Rick had told me he had done college counseling for some
7 of the partners there.

8 Q. And you said, "If they get into the meat and potatoes,
9 this could be the -- the front page story."

03:08 10 What would be a front page story?

11 A. The whole scheme of his.

12 Q. And then he said "well, the person who would be the front
13 page", and he didn't finish that sentence. Who did you think
14 he was going to --

15 MR. KENDALL: Objection, your Honor.

16 THE COURT: Sustained.

17 Q. At page 45, line 2, you said "meat and potatoes guy they
18 would love to have is -- it's so hard for these kids to get
19 into college and here's -- look what's going on behind the
03:09 20 schemes."

21 Why did you use the word "schemes"?

22 A. Because that's what it was.

23 Q. What were you concerned about?

24 A. The fact that it would be a front page news story.

25 Q. At page 46, line 8, you said "I'm so paranoid about

1 Davina. I go, I really don't want you talking on the phone to
2 Rick about this. I'm thinking, you know, are they -- I can't
3 imagine they'd go to the trouble of tapping my phone, but I
4 don't -- would they tap someone like your phone?".

5 Who are you referring to?

6 A. Tapping Rick Singer's phone.

7 Q. Who?

8 A. Sorry?

9 Q. Who were you concerned would be tapping Rick Singer's
03:09 10 phone?

11 A. I'm sorry. The IRS.

12 MR. FRANK: Can we pick it up at page 46, line 18.

13 (Audio recording played.)

14 MR. FRANK: If we could stop it there, please.

15 Q. If you could turn back to page 48. At line 7, you said,
16 "Like with Ryan, the question is, should we be taking the
17 write-off on that thing, you know, when we do it with Ryan.
18 You know, I don't know."

19 What were you referring to there?

03:13 20 A. Because he had been audited, it seemed like the IRS was on
21 top of this, I should not be taking deductions on it.

22 Q. On what?

23 A. On these payments I was making if we used Rick to do the
24 process.

25 Q. With Ryan?

1 A. Correct.

2 Q. At page 49, at the bottom, line 21, you say -- actually,
3 line 20, you say, "How did that -- how does that work? When
4 you say I'm making a gift to the school, is that a legitimate
5 gift or is there actually people that are at school that get
6 some dough out of the thing?"

7 What were you asking Mr. Singer there?

8 A. I wanted him to admit to me that good portions of the
9 money were going to himself and others.

03:14 10 Q. When you say "others," who do you mean by that?

11 A. The other people that are involved in the scheme.

12 Q. Why did you think money was going to individuals involved
13 in the scheme?

14 MR. KELLY: Objection. Leading.

15 THE COURT: He can have that question. Overruled.

16 A. It's complete commonsense.

17 Q. You also said, "when you say I'm making a gift to the
18 school, is that a legitimate gift."

19 Did you think that a gift to the school under these
03:14 20 circumstances would be a legitimate gift?

21 A. Absolutely not.

22 Q. Why not?

23 A. Because we're making payments to get our children in as
24 fake athletes and having their test score altered. It wouldn't
25 have been a legitimate.

1 Q. Why would it matter to you whether the money went to the
2 school or the individual?

3 A. Because if it went to -- if portions of it went to the
4 school, it would hide the scheme. It would be going to a,
5 quote unquote, charitable entity.

6 Q. And if it went to an individual?

7 A. It would be black and white, payment to someone that
8 received money from him or his foundation.

9 Q. At page 50, line 6, Mr. Singer said, "So some people, I'll
03:15 10 say to them, so it's your program". At line 9, "How do you
11 want the money?" At line 11, "They'll send it to -- line 13,
12 "USC women's soccer." Line 15, "Others will say send it to me
13 and I have to create a discretionary fund to raise extra money.
14 So what I do is just say you're helping me out. I'll send it
15 to you."

16 Is that scenario he was describing there in your
17 understanding a legitimate scenario?

18 A. No.

19 Q. Why not?

03:15 20 A. Because, again, it was this payment we made getting our
21 kids into the school.

22 Q. At page 51, line 8, Mr. Singer says, "So let's say --
23 let's say -- let's use an example. Let's say I'm going to --
24 we're using women's soccer. So the women's soccer coach may
25 say to me, hey, send it to my camp fund, SC football, right?"

1 And you respond at line 13, "That's cool. That's
2 school."

3 Why was that cool?

4 A. Because that money was being funneled to the school's
5 thing, which would have been a charitable thing. It would have
6 been difficult to figure out.

7 Q. Then, at line 20, you said, "Oh, really, because I was
8 thinking that some type of -- there has to be a little bit of
9 play or some of", and then you trailed off. What were you
03:16 10 talking about there?

11 A. I wanted Rick to just admit to me on the phone and in
12 black and white that he was lining his pockets and paying
13 people but he was beating around the bush again on this phone
14 call too.

15 Q. This was a phone call?

16 A. Sorry. I'm sorry. In our meeting that took place at our
17 house.

18 Q. After this point in the conversation, did there come a
19 time when your son joined the conversation?

03:16 20 A. Yes.

21 Q. Did you discuss the scheme in his presence?

22 A. No, I did not.

23 Q. Why not?

24 A. Well, we didn't want him to know about the process.

25 Q. I want to direct your attention to page 80, if you could

1 just jump ahead to page 80 in the transcript at line 11.

2 MR. FRANK: Is everyone at page 80, line 11?

3 Miss Lewis, if you could pick up at 54 minutes even.

4 (Audio recording played.)

5 Q. Mr. Isackson, if I could direct your attention back to
6 page 80. At line 11 on page 80, Mr. Singer says "I've got to
7 go see the -- I've got to go see the Demerline's. At line 15,
8 he says, "right across the street from the Palatella's. They
9 live on Lincoln."

03:21 10 Did you know the Palatella's?

11 A. Yes.

12 Q. Who are the Palatella's?

13 A. They had some children that were the age of our kids, so
14 we knew them socially.

15 Q. Did you know they were working with Mr. Singer?

16 MR. KENDALL: Objection, your Honor.

17 THE COURT: Overruled.

18 A. Yes, I did know that.

19 Q. How did you know that?

03:21 20 A. Rick told us.

21 Q. In what context?

22 A. He said he was counseling their son.

23 Q. At page 81 -- let me ask you this. Did he ever tell you
24 they were involved in the scheme with him?

25 A. No, he did not.

1 Q. At page 81, line 8, you said, "we'll just -- we'll just
2 kind of deal with this as it comes. If we have to have you do
3 the testing, I think we'll definitely pay cash this time." And
4 at line 13, "and not, not rush through the other way. You
5 know, just kind of take -- I just do get uptight about talking
6 on the phone."

7 Why did you want to pay cash this time if you did the
8 testing?

9 A. I was saying cash, but what I was referring to is I
03:22 10 wouldn't be taking the write-off on it.

11 Q. Why not?

12 A. Because he was being audited and, to me, clearly the test
13 taking portion would be impossible to hide.

14 Q. Then, at line 13, you said, "not run it through the other
15 way".

16 What would you have to run it through in order to
17 take the deduction?

18 A. Well, you'd have to take a -- you'd have to claim it as a
19 charitable deduction for something he didn't receive anything
03:22 20 for.

21 Q. Who would you have to make the check out to in order to
22 make a deduction?

23 A. In his case, I'd have to write it to the Key Foundation.

24 Q. Bottom of the page, you said, "it's got to be so over --
25 it's got to be so overly fair. The only reason I said to

1 Davina, this is almost like a TV drama, you know, when you look
2 at the who's who of people there". What were you referring to
3 by the who's who?

4 A. Well, Rick had dropped some pretty heavy names, and I knew
5 that a majority of his clients were wealthy individuals and big
6 people in the business community, so it would be a very
7 interesting story.

8 Q. Was it comforting to you to know those people were his
9 clients?

03:23 10 A. Absolutely.

11 Q. Why?

12 A. Well, those people would have really, really thick returns
13 and most of them would be giving a lot of money to charity, so
14 it would be much more difficult to figure things out.

15 Q. At page 83, line 7, you said, "Yeah, yeah, I'm sure with a
16 lot of these charities too, you know -- and it probably helps.
17 It's tougher too with the returns of the people if they look at
18 that and they say, well, he's never given, and now he's giving.
19 I mean, with me, I have done it aside from you. I've done some
03:23 20 big gifts in some big years".

21 What did you mean by that?

22 A. I was concerned that there were some people that just
23 didn't give to charity and in the years their children got
24 admitted, they wrote a large check to Rick Singer's foundation,
25 and if the IRS looked at that the same year their child got in,

1 that would be a pretty big flag.

2 Q. If we could move ahead --

3 THE COURT: We're going to break at this stage in the
4 day. Mr. Isackson, you may step down. We're a few minutes
5 earlier than normal. I have some other afternoon business.
6 I'm going to let you go a few minutes early.

7 Jurors, this is the first night that you have been a
8 constituted jury. You will be going home to get questions from
9 all of your friends and members of your family. Please
03:24 10 remember my instructions. Do not talk about this case or about
11 any of the evidence you've heard. You've only heard just the
12 beginning. You have lots more evidence to hear. It would be
13 inappropriate for you to talk about this case with anyone or do
14 any independent research. I think you understand the reasons
15 for that. What somebody else says to you about some similar
16 case they know about has absolutely nothing to do with this
17 case and you're not to discuss it or talk about it. So get
18 into the habit of deflecting questions that will be in your
19 direction.

03:25 20 I'll see you back tomorrow morning. Tomorrow will be
21 a little bit different. We'll be recessing at one, and may go
22 a few minutes later than one, maybe as late as 1:30. We will
23 not have an afternoon session. I'll see you at 9:00 a.m.
24 tomorrow morning.

25 MR. FRANK: Your Honor, if the jurors could leave

1 their transcript binder.

2 THE COURT: Yes. If you could leave your transcript
3 binders. You may take your notebooks back with you into the
4 jury room.

5 (Jury exits.)

6 THE COURT: Please be seated, counsel.

7 Approximately how much longer on this direct
8 examination?

9 MR. FRANK: Very little.

03:26 10 THE COURT: Half an hour?

11 MR. FRANK: Less.

12 THE COURT: Any idea now as to a rough estimate of
13 cross-examination from defendants? Mr. Kelly.

14 MR. KELLY: Roughly, 2 hours.

15 THE COURT: Mr. Kendall?

16 MR. TOMBACK: Your Honor, it's Andy Tomback. I
17 believe it will be roughly the same. I know you want me to say
18 less, but it will be roughly that.

19 THE COURT: If we complete the testimony of
03:27 20 Mr. Isackson tomorrow, who will be the next witness?

21 MR. FRANK: Your Honor, depending on what happens on
22 cross-examination, it could be Davina Isackson. If it's not
23 Davina Isackson, it will be Special Agent Keith Brown.

24 THE COURT: And you told me the examination of
25 Mr. Brown is in the several hours category?

1 MR. FRANK: Yes.

2 THE COURT: What about Wednesday now? The government
3 is required to inform the defendants who you will be calling
4 Wednesday if you are through with Agent Brown.

5 MR. FRANK: Given what we just heard, it seems
6 unlikely that will be the case.

7 THE COURT: What if?

8 MR. KENDALL: Then it would likely be Special Agent
9 Liz Keating.

03:27 10 THE COURT: Her direct examination will be
11 approximately how long?

12 MR. FRANK: Also in the several hour duration.

13 THE COURT: Anything else that needs to come to my
14 attention before we adjourn for the day?

15 MR. KELLY: No, your Honor.

16 MR. KENDALL: If I can clarify. Are the consensual
17 tapes going to be played with Miss Keating?

18 MR. FRANK: Yes.

19 MR. KENDALL: Thank you, your Honor.

03:28 20 THE COURT: We're in recess until tomorrow morning at
21 nine. I have other business. If counsel could exit the
22 courtroom, it would be appreciated.

23 (Whereupon, the proceedings concluded at 3:29 p.m.)
24
25

I N D E X

Witness	Page
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1	E X H I B I T S		
2	NO.		ADMIT
3	190	100
4	200	105
5	203	108
6	204	112
7	208	113
8	447	124
9	450	129
10	506	130
11	607	138
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C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS)

We, Kristin M. Kelley and Kelly Mortellite, certify
that the foregoing is a correct transcript from the record of
proceedings taken September 13, 2021 in the above-entitled
matter to the best of our skill and ability.

/s/ Kristin M. Kelley

September 13, 2021

/s/ Kelly Mortellite

September 13, 2021

Kristin M. Kelley, RPR, CRR
Kelly Mortellite, RMR, CRR
Official Court Reporter

Date